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Ben Smith

THE 9/11 CONSTITUTION
CASS R. SUNSTEIN

SOCIAL SCIENCE AND CHRISTIAN PROPAGANDA
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THE NEW REPUBLIC

BORDER WAR

THE IMMIGRATION FIGHT ISN'T ABOUT POLITICS OR ECONOMICS. IT'S ABOUT IDENTITY. JOHN B. JUDIS

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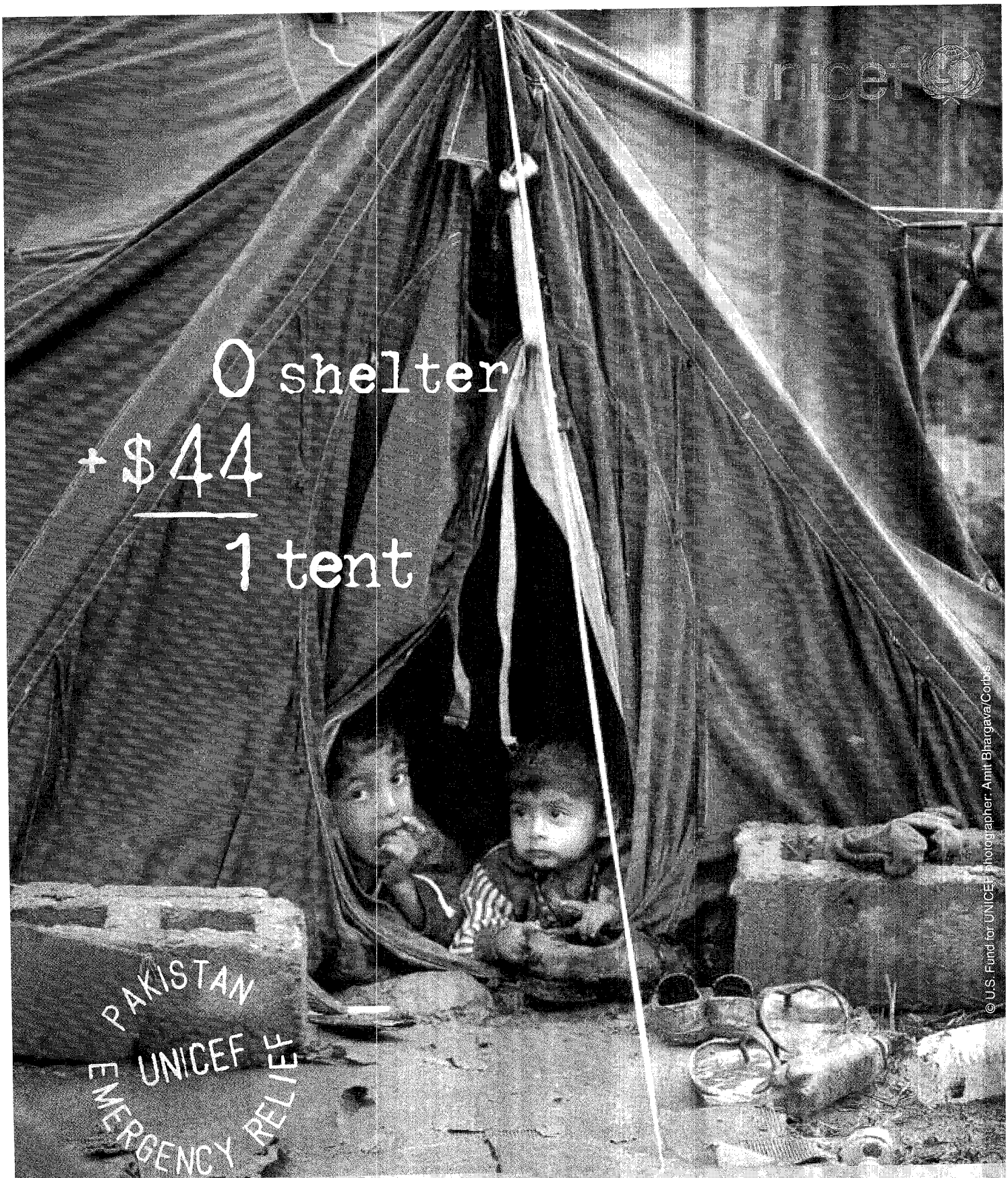

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CORRESPONDENCE

FRENCH CONNECTION

AFTER READING PAUL BERMAN'S fine article about French anti-Americanism, one has to wonder: Is this serious, and does it matter ("The Anti-Anti-Americans," November 28–December 5, 2005)? For comparison's sake, there is also a long history of anti-French sentiment in the United States. Denunciations of the French as snobbish, arrogant, conceited, ineffectual, oversexed, heartless, cheese-eating surrender monkeys have been a part of American folk consciousness almost from the foundation of the republic. Listen to any right-leaning opinion broadcast (John Gibson's "The Big Story" on Fox comes to mind), and one could reasonably conclude that French anti-Americanism has more than met its match.

But so what? It is doubtful that these attitudes are more than skin deep. Was one Airbus contract canceled by an U.S. company because of anti-French prejudice? Did any American try to stir up the French rioters? Has anyone seriously suggested sanctions against France, or blockage of foreign exchanges, or cancelation of Fulbright scholarships to the Sorbonne? Would Gibson himself pass up a free trip to Paris? I doubt it. And I doubt if any of the bombastic French anti-Americanism amounts to much more than that. Compare this with the rhetoric of real enemies (North Korea, Osama bin Laden, Fidel Castro). One has to wonder if worries about French anti-Americanism are a waste of time.

JOHN MACK
New London, Minnesota

BERMAN IS RIGHT TO HAIL THE emergence of anti-anti-American literature in France, but there are other more potentially profound shifts in the French intellectual climate. In the past few decades, French political philosophy—which was, for so long, dogmatically hostile to Anglo-American liberalism—began to shed its historicist inheritance of Hegelianism, Marxism, and structuralism. Some of the current generation of political philosophers—Pierre Manent, Marcel Gauchet, Louis Dumont, and others—have signaled a new appreciation for liberalism and take its arguments very seriously. Liberal thinkers of this strain are still endangered in French universities, but they do at least exist now. This refreshing development, along with Nicolas Sarkozy's popularity with French business, could turn out to be another force impelling France in a less anti-American direction.

THOMAS MEANEY
The New York Society Library
New York, New York

DISTANCE VISION

DAVID A. BELL QUITE RIGHTLY points out that France has a much deeper experience of immigration and ethno-religious diversity than the mainstream press has reported in the wake of the recent crisis ("The Shorn Identity," November 28–December 5, 2005). The protests stem at least in part from the integration of suburban communities into the nation and its values—above all, demands for equal opportunity and a decent standard of living for citizens regardless of ancestry—and not simply from the familiar urban blight, decay, and disintegration. While Bell may be correct that the Chirac administration's inept response to these historic events will, in the long run, drive a generation of disaffected French youth into the arms of Islamic agitators, that possibility seems remote; by all accounts, the Islamic neighborhoods remain quiet. There is, moreover, an immediate concern that he overlooks: the opportunity provided to a National Front in disarray to reestablish itself as a potent menace to the republic and all it stands for.

CLIFFORD ROSENBERG
Assistant Professor
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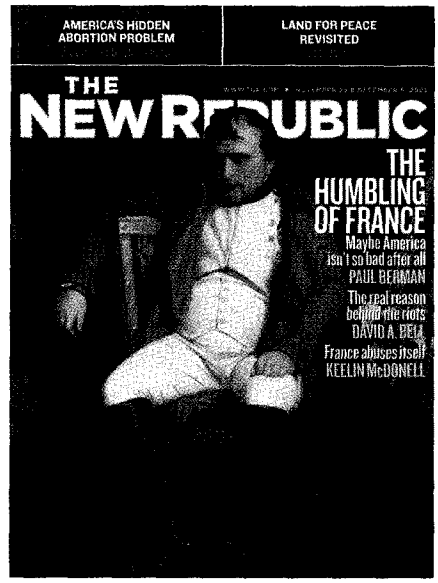
New York, New York

BELL'S INTERESTING ANALYSIS OF the recent rioting in France by the sons of Arab and African immigrants is deeply French—that is, it does not look beyond the borders of Gaul for the source of the problem. But the problem



certainly has global ramifications. Many, or even most, of these young men see themselves as superfluous persons, and they are not entirely wrong in this grim perception. Neither France nor any other developed country has need of a large body of unskilled workers. In some parts of the world, they might find work making cheap sneakers or T-shirts for a few dollars a day; in Europe, this is no longer possible. As immigrants have made their way to Europe in search of work, the jobs they might once have held are flowing to the once-impoverished nations that are now building prosperity on the backs of a huge, poorly paid work force. In Europe (France included), only those who secure an adequate education stand even a remote chance of becoming part of the commonwealth. And, as long as unemployment rates in Europe continue at current levels, it will be a rare employer who does not prefer a worker who speaks the language of the country fluently and has a familiar name and a friendly face.

MICHAEL JORRIN
Ridgefield, Connecticut

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PAST AS PRESENT

MICHAEL CROWLEY'S ARTICLE ON Russ Feingold's challenge to Hillary Clinton brought to mind an eerily similar historical parallel ("Withdrawal Symptoms," November 21, 2005). Consider the scenario Crowley describes: a little-known, Democratic, Midwestern United States senator—frequently lauded for his intelligence, integrity, and independence—comes out against a war that is still supported, to one degree or another, by the overwhelming majority of those in Congress. That opposition becomes the germ of a presidential campaign. His biggest obstacle to the nomination, however, is the expected candidacy of the "carpetbagging" junior senator from New York, who is a major celebrity and a very close relative of a recent Democratic president (who remains very popular with the party faithful). The New York senator, while considered a liberal, has nonetheless staked out a centrist—and sometimes hawkish—position on the war. It's not just Feingold and Clinton: This also tells the story of Eugene McCarthy's primary race against Robert Kennedy in 1968. I suspect that the scenario will play out this time just as it did before. Once Clinton, like Kennedy, calculates that she has more to gain politically by opposing the war, she will demand an end to U.S. involvement, rendering Feingold's one-note campaign (like McCarthy's) superfluous and doomed.

STEVEN P. CALEY
Rye Brook, New York

CROWLEY NOTES THAT INTERNET fund-raising has saved Democrats from the worst effects of McCain-Feingold so far. This is certainly true on the national level, but it is not at all true at the local level. Localities like New York, where I live now, are able to scrape by with high-profile fund-raisers and donors, but local Democratic parties in places like my former home of Fort Worth, Texas, have been completely unable to keep pace. Big Labor made Tarrant County, Texas, a Democratic stronghold until the Reagan era, and it kept Democratic politics alive even into the early governorship of George W. Bush. Now the Democrats struggle to keep a local office open, because all of the wealthy donors are Republicans. Lower-income and middle-class union members—such as teachers and the blue-collar employees of Lockheed Martin—have been robbed of a voice in local politics. Consequently, Tarrant County has become one of the reddest counties of over one million residents in the country. The local Republican headquarters is well-funded, despite leadership that hails from the far right, but the local Democratic headquarters is practically destitute. Ask anyone at a meeting of Democratic activists why this has happened, and the answer is the same: "McCain-Feingold has ruined us."

STEPHEN COX
New York, New York

WHILE THOSE OF US WHO REGARD Iraq as an unmitigated disaster may find Feingold interesting, we could also support a candidate who voted for the war if he or she were to admit to being misled by the intelligence available at the time and would profess regret at the terrible damage done to the interests of the United States. One of Bush's more irritating qualities is his inability to acknowledge mistakes and misjudgments; we should not select a Democrat with the same character flaw.

WILLIAM W. HUSSEY
New York, New York

PARTY FOUL

I APPLAUD GARANCE FRANKE-RUTA'S call for liberals to confront abortion not only as a political and philosophical issue, but also as a "public health issue" bound up with histories of sexual abuse and economic and social inequality ("Multiple Choice," November 28–December 5, 2005). But absolutely nothing in what Franke-Ruta says would "mean accepting that there's some credibility to conservative views on abortion." Indeed, she suggests that abortion be considered in a structural, rather than a moral, context—something that conservatives have never been willing to do (and something that, though that structure was patriarchy, early feminist abortion advocates did do). The implication is that we need less poverty, less social and racial stratification, and more publicly funded support for low-income women and their families. Far from forcing liberals to realize that "there's some credibility to conservative views on abortion," this argument reinforces core liberal beliefs: that government should work to meliorate poverty, reduce

continued on page 33

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Both Sides

TRB FROM WASHINGTON

WHY ARE MOVEON, Daily Kos, and so many other liberal activists so keen to find a primary challenger against Connecticut Senator Joe Lieberman? The more you peel the onion, the stranger the answer becomes.

The common explanation is that Lieberman is a conservative. Or, more specifically, he's a conservative who represents a liberal state—and, therefore, has no excuse. But, according to conventional indices, Lieberman is *not* a conservative. His lifetime rating from the liberal group Americans for Democratic Action (ADA) is 76, six points *higher* than the man MoveOn and Kos have encouraged to enter the race, former Senator Lowell Weicker. In August 2003 (before turning against Lieberman), Kos himself reviewed Lieberman's ADA and American Conservative Union ratings and called the charge that he was a closet Republican "b.s."

So why do so many liberals *think* Lieberman is a conservative? The obvious answer is his steadfast support for the Iraq war. For many liberals, ADA-style vote tabulations are irrelevant; Iraq is the crucible of our age. There's a clear historical parallel. In 1968, Hubert Humphrey's support for Vietnam made him a liberal pariah and Eugene McCarthy's opposition made him a liberal hero—few cared that, overall, during their years in the Senate, Humphrey had been the greater liberal champion.

So Lieberman is a supposed conservative because of his position on Iraq. But here, too, solid footing gives way. To be sure, Lieberman hasn't apologized for voting to authorize the war. But neither have most of the other 28 Senate Democrats who voted the same way. And, when it comes to withdrawing U.S. troops, Lieberman's position differs from other Democratic heavyweights only slightly. In his now-infamous November 29, 2005, *Wall Street Journal* op-ed, Lieberman wrote, "If all goes well, I believe we can have a much smaller American military presence there [in Iraq] by the end of 2006 or 2007." Compare that with Wesley Clark, who proposes a 30,000 troop drawdown but opposes "a pullout until the job is done." Or John Kerry, who wants to bring the "vast majority of American troops home" in 2006, but only if certain benchmarks are met. Or antiwar crusader Russ Feingold, who aspires to bring all U.S. troops home by the end of 2006, but—again—only if various criteria are fulfilled.

The substantive Iraq divide inside the Democratic Party isn't between Lieberman and everyone else. It's between Lieberman, Clark, Kerry, and Feingold on the one hand (who hope to bring troops home quickly, but not if it means all hell breaking loose) and Democrats like Nancy Pelosi and Jack Murtha (who want to bring troops home as soon as possible, no matter what). The rest is rhetorical window dressing: Kerry and Feingold offer aggressively optimistic assumptions about when Iraq's government and military can stand on their own; Lieberman is more cautious.

But, politically, rhetorical differences matter. In fact, they are at the heart of Lieberman-hatred. Lieberman's heresy isn't ideological; it's temperamental. He loathes confrontation, he exudes goodwill toward all; he takes it as an article of faith that what binds us together as Americans is more important than what divides us, always. He is chronically happy with American life. During the 2004 campaign, he wanted to be liked by Al Sharpton, and he was. Today, he wants to be liked by George W. Bush, and he is.

Lieberman's problem is that bloggers like Kos aren't very ideological *either*. Temperament defines them, too. It's just the opposite temperament. For Kos and the other Lieberman-haters, liberalism means confrontation, at least in the Bush era. In their view, politics should be guided by the spirit of war. If you don't want to crush conservatives, you are not a liberal.

So Lieberman-hatred is really all about style, right? Actually, no—there's one final slice, and it's the most important of all. Behind Lieberman's obsession with national unity is his deep conviction that the United States is at war—not just in Iraq, but around the world. The war on terrorism is his prism for viewing Bush. And it drains away his anger at the president's misdeeds, because they always pale in comparison to those of America's true enemy. When the Abu Ghraib revelations broke, Lieberman said America should apologize, but then added that "those who were responsible for killing 3,000 Americans on September 11, 2001, never apologized."

But why should our horror at September 11 mitigate our horror at U.S. torture? Liberals have the right to measure the Bush administration against our vision of America, not merely against the reality of America's enemies. Judging the United States by the standards of Al Qaeda—like judging the United States by the standards of the Soviet Union during the cold war—makes it far too easy to absolve our government's sins. Joseph McCarthy was far better than Josef Stalin, but he was still a menace. Richard Nixon was far better than Leonid Brezhnev, but he still deserved to be impeached.

Yet, if Lieberman's view is one-dimensional, so is that of his critics. If he only sees Bush through the prism of war, they only see the war through the prism of Bush—which is why they can muster so little anger at America's jihadist enemies and so little enthusiasm when Iraqis risk their lives to vote. Kos and MoveOn have conveniently convinced themselves that the war on terrorism is a mere subset of the struggle against the GOP. Whatever brings Democrats closer to power, ipso facto, makes the United States safer. That would be nice if it were true—but it's clearly not, because, sometimes, Bush is right, and because, to some degree, our safety depends on his success. National security will never be reducible to the interests of the Democratic Party.

What both Lieberman and the Lieberman-haters have lost is what the great social democratic critic Irving Howe called "two-sided politics." Liberals are engaged in two different struggles—one against illiberalism at home, the other against an even more profound illiberalism abroad. Both must be fought with passion. Neither can be subsumed. Each must be sometimes compromised for the sake of the other. It is that moral tension—more than Bush-hatred, and more than wartime unity—that defines the liberal spirit. Let's hope both Lieberman and his critics recapture it in the days ahead.

PETER BEINART

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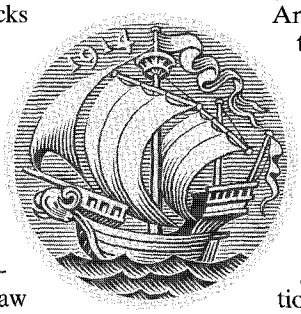
Spy Crimes

FACED WITH THE most serious legal scandal of his administration, President Bush's impulse has been to stonewall. He has denied misleading the public when he insisted last year that any government wiretaps were conducted under court order, and his Justice Department has defended the legality of his domestic spying program in unequivocal terms. But the administration's legal defense is unconvincing—based on a willful misreading of Supreme Court precedents and congressional intentions. It should not excuse Bush's actions. And Congress must make sure that it does not.

Many legal questions have subjective and uncertain answers. But the legality of Bush's domestic surveillance program is not one of them. The program almost certainly violates the Foreign Intelligence Surveillance Act (FISA), which prohibits "electronic surveillance" of "any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States," except as authorized by law. Since the administration has admitted that it intercepted telephone calls to and from American citizens in the United States without getting a court order, it clearly broke the law.

Bush's most extreme defenders actually concede that he violated the law, but they insist that the president has inherent authority to ignore or break any law that restricts his authority as commander-in-chief under Article II of the Constitution. This is a radical extension of the arguments about unilateral presidential power championed by former Justice Department official John Yoo, a defender of the Bush surveillance program, and David Addington, Dick Cheney's chief of staff. But no court has ever suggested that the widely respected FISA law might be an unconstitutional infringement on the president's constitutional authority, and no president before Bush has had the audacity to press such an absurd claim.

In fact, recognizing its weakness, Bush's own Justice Department has not put much emphasis on this extreme constitutional contention. Instead, Attorney General Alberto Gonzales has insisted that the domestic surveillance program was, in fact, authorized by Congress—namely in the resolution passed after September 11 authorizing the president to "use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001."



But Gonzales's case rests on a clumsy legal sleight of hand. In a letter to Senate and House intelligence committees at the end of December, the Justice Department attempted to draw a parallel between domestic surveillance and the detention of American citizens captured in the war on terrorism. In the letter, Justice confidently asserted that, in *Hamdi* v. *Rumsfeld* in 2004, "at least five justices concluded" that this resolution "authorized the President to detain a United States citizen in the United States." This is misleading in the extreme. In fact, five justices in the *Hamdi* case concluded that the resolution authorized the detention of an American citizen seized on the battlefield in Afghanistan. But Justice Antonin Scalia dissented, arguing: "I do not think this statute even authorizes detention of a citizen." And, in the related case of Jose Padilla, four other justices—Stevens, Breyer, Ginsburg, and Souter—explicitly said that the congressional resolution "does not authorize … the protracted, incommunicado detention of American citizens arrested in the United States." Since five justices have rejected the Bush administration's effort to stretch the congressional resolution to authorize indefinite detention of citizens arrested in the United States, it seems likely that the same five justices would refuse to stretch the resolution even further to authorize illegal domestic surveillance.

It is unfortunate that it has taken such a bald abuse of executive power to rouse Congress to action. But, now that Congress has awakened at last, the Senate must follow through and ensure that the White House faces consequences for one of the most troubling examples of executive overreaching in the post-Watergate era. Senator Arlen Specter has promised to hold hearings on the domestic surveillance program in January. We are confident that those hearings will establish the illegality of Bush's domestic spying program, and we hope Congress will make its opposition clear. Washington has been convulsed by pseudo-presidential scandals during the past few years, from the impeachment of President Clinton to the indictment of Scooter Libby. But the Bush administration's arrogant assertion that it has the power to ignore or break the law when it sees fit is a genuine scandal. And the president himself must be held accountable. ■

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NOTEBOOK

DOUBLESPEAK DOES NOT THE AG FAZE . . . WARSHIP IS NO WAY TO HONOR GAYS

WHY HE WAS NEVER A SUPREME COURT CLERK

ALBERTO GONZALES'S BOOSTERS were right to describe him as an American success story when he was nominated to be attorney general. Their vindication came on December 19, when Gonzales attempted to find a legal justification for President Bush's program of warrantless domestic surveillance. After all, in what other country could the son of immigrants rise to become the nation's top law-enforcement official and then proceed to shred the law to pieces?

Lesser legal scholars might disagree—at his confirmation hearings last year, Yale Law School Dean Harold Koh described one of Gonzales's views of executive power as "perhaps the most clearly legally erroneous opinion I have ever read"—but Gonzales's defense of the surveillance program's legality was a classic display of his boundless jurisprudential imagination (see "Spy Crimes," page 7). Thanks to Congress's September 14, 2001, authorization to use force against Al Qaeda, he told the press, "we believe [warrantless domestic surveillance] has been authorized by the Congress," even though, as he generously conceded, "signals intelligence is not mentioned in the authorization to use force."

But, when asked whether the Bush administration should have asked Congress to amend the Foreign Intelligence Surveillance Act (FISA) to permit domestic surveillance, Gonzales replied, "We've had discussions with members of Congress, certain members of Congress, about whether or not we could get an amendment to FISA, and we were advised that that was not likely to be—that was not something we could likely get." So, let's get this straight: Congress would never have granted Bush permission to do something that, according to Gonzales, it had already granted him permission to do. When one confused reporter asked the attorney general about his "backdoor approach," Gonzales sniffed, "This is not a backdoor approach. We believe Congress has authorized this kind of surveillance." Just not on purpose. Only in America.

Alberto Gonzales

THE NON-SCANDAL SCANDAL

OK, *THE NEW YORK TIMES* IS against the war in Iraq and has been for a long time. We know this from its editorial page and from how it plays the news. Now, it is true that, last month, in unearthing U.S. propaganda efforts in Iraq, the *Times* embarrassed the Bush administration. This is as it should be.

But the Gray Lady also seems determined to find scandal where there is none. Take its January 2 lead story—"MUSLIM SCHOLARS WERE PAID TO AID U.S. PROPAGANDA; CONTRACTOR HIRED SUNNIS"—which reports that the Lincoln Group, a Washington-based p.r. firm that paid Iraqi newspapers to print writings by American G.I.s, "retained three or four Sunni religious scholars to offer advice and write reports for military commanders on the content of propaganda campaigns." This is made to sound like a transgression. But hiring Sunni scholars as advisers seems like exactly the sort of thing the government ought to be doing. What should we do instead? Hire Shia or maybe Assyrian Christian divines to assist our relations with the Sunnis? Or let Karen Hughes design the campaign on her own?

It takes courage for Sunni religious figures to work for the U.S. government as it tries to steer Sunnis away from the insurgency. What's more, the *Times* reports that the Lincoln Group used roughly $144,000 on this effort, but it then notes, "It is unclear how much of this money, if any, went to the religious scholars." So not only is this no scandal, it's not even clear it's a story.

DON'T ASK, DON'T TELL, DON'T TOUCH

HOW DO YOU CHANGE A POLITICIAN'S mind when he has voted against a project on the grounds that it is linked to an immoral or undemocratic practice? Why, offer to build a museum commemorating that immoral practice, of course! At least, that seems to be the answer hit upon by some advocates lobbying to make the battleship *Iowa* a tourist attraction in San Francisco.

Last July, county officials in San Francisco rejected a plan to permanently anchor the old warship in the city, partly over objections to the military's exclusion of gays. But the *Los Angeles Times* reported this week that those in favor of bringing the *Iowa* to the city by the bay have re-energized their bid by promising to construct a dockside museum devoted to honoring minorities in the military—including gays.

DAVID COWLES

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The ironies here are plenty. Never mind that the military doesn't even acknowledge that gay service exists. The *Iowa* would seem to be the least appropriate location for a museum celebrating the military contribution of gays, since it has presided over the worst of times for gays in the military: It joined the fleet in 1942, the same year the official ban on gay service was enacted, and, in 1989, the ship became a symbol of the military's anti-gay bias when the Navy tried to blame a fatal onboard blast on a sailor supposedly upset about the breakup of a gay relationship. According to the surviving member of the purported pair, their shipmates decided they were gay because they liked—natch—visiting museums.

Could such a pitiful offering actually assuage the San Francisco officials' objections to the military's policy of "don't ask, don't tell"? If it does, perhaps there are other beleaguered politicians who can learn from the example. Instead of claiming secret CIA prisons don't exist, we suggest opening a gallery exhibiting their detainees' poetry—it's as good a defense as any that's been given.

DEPARTMENT OF CORRECTIONS

"Chicken Little" by Wendy Orent (September 12, 2005) misstated the year in which a Johns Hopkins conference on biosecurity took place. It was held in 2000, not 1999. The article also stated that a claim by Michael Osterholm formed "much of the basis" for the Bush administration's belief that Iraq had smallpox before the war. It would have been more accurate to say that Osterholm's story constituted a piece of intelligence that had a significant impact on the Bush administration's thinking. Finally, the article cited Osterholm as saying that "mosquito-borne infections, such as Rift Valley fever, malaria, and dengue" were likely to spread in the United States. In fact, Osterholm referred only to Rift Valley fever. We regret the errors. ■

TNR commentary Excerpts from THE NEW REPUBLIC ONLINE

THE REPUBLICAN BID TO SUPPRESS MINORITY TURNOUT.

Ballot Blocks

By John B. Judis

Over the last 14 months, Republicans have backed bills and initiatives in Arizona, Texas, Georgia, Indiana, Wisconsin, South Dakota, and Ohio that would require voters to present special kinds of identification at polling places or in order to register. These sorts of requirements inordinately

Bush showed he is fully in sync with the Republican strategy of disenfranchising minority voters.

affect black, Latino, and Native American voters.

The Bush administration is supposed to monitor changes in the voting laws to see if they accord with the Voting Rights Act. Last August, the Justice Department accepted Georgia's law, but only because political appointees within the Civil Rights Division overruled the recommendation of career lawyers.

Last month, Bush showed he is fully in sync with the Republican strategy by nominating Hans von Spakovsky to the Federal Election Commission. Von Spakovsky was the chairman of the Republican Party in Fulton County, Georgia, before joining the Justice Department, where he was one of the political appointees who overruled the staff recommendation on Georgia's voting measure. Bush also nominated two Supreme Court justices who have a questionable history on voting rights. As a Reagan administration official, the new Chief Justice John Roberts took a leading role in attempting to dilute the Voting Rights Act. In his application for a job in the Reagan administration, nominee Samuel Alito expressed skepticism about the validity of *Baker* v. *Carr*, which required congressional districts to conform to "one man, one vote." Here's hoping senators on the Judiciary Committee will take note of this issue in Alito's confirmation hearings.

HEZBOLLAH HASN'T MODERATED. BUT IT HAS BEEN HUMBLED.

Power Less

By Will Rasmussen

Democratization experts often argue that bringing radical groups into politics can serve to moderate them. Recent events in Lebanon suggest that this analysis is mistaken. In July 2005, the Shia terrorist group Hezbollah claimed a cabinet position in Beirut for the first time, taking over the energy ministry. Far from moderating, Hezbollah has only grown more strident and disruptive during the last five months. But this has yielded an unexpected benefit: Lebanese are increasingly fed up with Hezbollah's behavior. In other words, bringing Islamist parties into government can sometimes pay dividends not because they will moderate once offered a share of power—but because they won't.

In November, Hezbollah and fellow Shia group Amal withdrew their ministers from a cabinet meeting. Later in the month, Hezbollah overshadowed Lebanon's independence day celebrations by launching a major attack against Israel. Israel responded by bombing southern Lebanon and sprinkling leaflets on Beirut accusing Hezbollah of provoking a "return to destruction." Then, in late December, Israel struck a Palestinian base outside Beirut after accusing Hezbollah of collaborating with a pro-Syrian Palestinian militia group to launch rockets at an Israeli border town.

After nearly 30 years of Syrian occupation, Lebanese do not want to be drawn into another war if

Lebanese are increasingly fed up with Hezbollah's behavior.

Hezbollah provokes Israel. "The Lebanese are sick of slogans and rhetoric," says the associate publisher of Beirut's *Daily Star*, referring to months of political agitation that eventually drove Syria out but has also devastated the country's economy. "We need to eat."

* Will Rasmussen was a reporter at *The Daily Star* in Beirut from July 2004 to December 2005.

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White House Watch

Rebel Quelled

BY RYAN LIZZA

SCOTT MCCLELLAN WALKED into the White House briefing room Tuesday with the solemn expression of a man about to deliver some very important presidential news. And, indeed, he had an update on a crisis the president of the United States was monitoring: the miners trapped in Upshur County, West Virginia. "The president continues to be kept informed about the situation," McClellan reported. "He was briefed this morning." McClellan made clear that all of the Bush administration's resources were being mobilized. "The Mine Safety and Health Administration has rescue and safety specialists who are onsite working with the rescue teams," he said. An "emergency operations mobile command center" had been dispatched to Sago, West Virginia. The feds were carefully monitoring gas samples in the mine. "There is," the president's spokesman said reassuringly, "a robot that they have onsite that has been helping with the rescue efforts." (Though the AP later reported that "the robot was abandoned for human searchers after it became bogged down in mud.")

When President Bush made his first public appearance of the day, he echoed the urgency of his press secretary, opening his remarks by noting that he had just talked to West Virginia Governor Joe Manchin and assured him of federal help. "And may God bless those who are trapped below the earth, and may God bless those who are concerned about those trapped below the earth," he said, with a look of grave concern.

The death of the West Virginia miners is an awful tragedy. But there was a time when the Bush White House would have been embarrassed to thrust the president into the middle of cable news' human drama of the week. Early on in the Bush administration, aides scoffed at such Clintonian gestures and bragged that Bush would not shrink his presidency with a parade of comforter-in-chief moments. But times have changed. Bush's all-day effort to help rescue the miners is a preview of the White House's plans for the new year. Bush 2005, the bold leader who—flush from electoral victory—eschewed polls and relished taking on impossible legislative tasks, has given way to Bush 2006, an emasculated president who has given up transformative reforms to Social Security and the tax code and is hungry for every approval-rating point. On Tuesday, the White House press secretary even crowed that he knows the American people support one Bush program because "there actually was a poll last week that showed more than 60 percent of the American people support" it.

BUSH'S NEW POST-KATRINA eagerness to entangle himself in small dramas like the mine rescue and his abandonment of a big agenda spell the end of a popular argument about the president. Call it the great-man theory of Bush. As his job approval ratings dropped in 2005, White House aides peddled the idea that, rather than being a caretaker president, Bush is a revolutionary leader who suffers low ratings only because he is unafraid to fight for radical ideas like private Social Security accounts or sweeping tax changes. *The Weekly Standard*'s Fred Barnes went so far as to turn the popularity-is-for-wusses theory—which quickly caught on with the conservative faithful—into a book, *Rebel-in-Chief*, to be published this month. A Bush aide once summarized for Barnes the distinction between Bush and his time-wasting predecessors thusly: "The difference is between polls in the 40s and changing history and being in the 60s and twiddling your thumbs. We'll take the 40s. That's our motto." Or at least that *was* their motto.

The evidence that Bush will dramatically trim his policy sails this year has dribbled out from the White House in leaks and on-the-record comments over the last few weeks. There will be no effort to revive Bush's Social Security plan—unsurprising, since most Republicans refused to embrace it, even in a nonelection year. But the White House is also abandoning the other pillar of Bush's second-term domestic agenda: a comprehensive reform of the tax code. Republicans close to the White House hint that the most ambitious tax change Bush will pursue is a tweaking of the Alternative Minimum Tax. Stripped of these two big ideas, Bush's 2006 is looking decidedly small-bore. Domestically, the only major issue the White House hints it will pursue is Bush's long-languishing immigration plan, specifically his guest-worker proposal, which would temporarily legalize illegal aliens working in the United States and was rejected by the House last month. The White House says Bush will also spend another year trying to make permanent tax cuts he has already passed. He will pursue some minor energy legislation, including tax breaks for hybrids and alternative energy, ideas his vice president once dismissed as useless. In March, he will reportedly hold a summit at the White House to discuss a pre–September 11 crowd-pleaser, faith-based programs—as sure a sign as any that the administration think tank is empty. So much for the rebel-in-chief. Now Bush just wants to be liked.

To be sure, conservatives might argue that the great-man theory of Bush is still alive when it comes to the president's foreign policy. But, even in Iraq, the latest signals from the White House are that Bush is looking for the earliest opportunity to declare victory and leave. Bush has been forced to add chastened rhetoric to his Iraq speeches. McClellan uncharacteristically noted this week that some troops are on their way home, and *The Washington Post* reported that Bush will not seek new funds for Iraq reconstruction in his budget next month. If true—and the White House declined to deny or correct the report—it is stunning and underap-

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preciated news. It makes a joke of Bush's previous comparisons of his commitment to Iraq to the post–World War II reconstruction of Germany and Japan, not to mention his year-old goal of "ending tyranny in our world."

So what's driving the new domestic-lite version of Bush? The midterm elections, of course. According to *National Journal*, the White House has been meeting for weeks with dozens of congressmen to devise an election-year agenda that will minimize GOP losses, especially in the inner suburbs, where the GOP ceded ground last year and where several House seats are vulnerable this year. "The president is here to help reelect Republicans," Candida Wolff, Bush's congressional lobbyist, told *National Journal*. "That's why we are meeting with members, to think through an agenda." The Republican National Committee has reportedly instructed its 231 congressmen up for reelection to ditch the sweeping rhetoric and big ideas that conservatives insist define the Bush era and instead act like "federal mayors." In fact, according to Barnes, suburban Republicans have drawn up a list of 20 poll-tested issues that would make Dick Morris blush, including mandatory Internet filters and background checks for teachers.

The GOP's embrace of little ideas and the president's abandonment of big ones is actually liberating for Bush. By unburdening himself of his difficult and unpopular domestic proposals, he can stick to his one election-year strength—attacking Democrats as weak on national security. Instead of using Democratic opposition to the Department of Homeland Security, as the GOP did in 2002, the White House and Republicans will scorch Democrats for their opposition to the National Security Agency's domestic spying program and their insistence on modifying the Patriot Act. The campaign is already underway. In between Bush's and McClellan's prayers for miners on Tuesday, the White House issued its first furious volley. McClellan refused to even acknowledge that there is a substantive, bipartisan debate in the Senate over how parts of the Patriot Act should work. He asserted that Democrats "want to undermine and weaken the Patriot Act" and that they are "putting politics above our nation's security." McClellan went so far as to suggest that even to debate such matters is now close to treasonous. "When our intelligence activities are talked about openly and publicly, particularly in a time of war, it is harmful to our nation's security," he said. "You don't see Al Qaeda talking about their tactics and activities in public."

McClellan is a pleasant but dimwitted fellow. It is doubtful he realizes that he put the White House on record as equating the way the United States hashes out questions of civil liberties and national security with the way Al Qaeda does. This kind of slash-and-burn rhetoric doesn't do much to further the kind of bold change that Bush and conservatives claim to be pursuing, but it has kept Republicans in power since September 11. That's why the great-man theory of Bush was so short-lived. Maybe you can change history with polls in the 40s, but you can't win elections. ■

Amsterdam Dispatch

Right Turn

BY ABIGAIL R. ESMAN

"Open" has long been a catchword for the Netherlands, referring to everything from the flat, low-lying fields of Zuid-Holland and the curtainless windows of Amsterdam and The Hague to the country's liberal stances on marijuana and prostitution, both of which are enjoyed freely and legally in cheerful "coffee shops" and red-lighted bordellos throughout the country. To many, the country has long seemed the apotheosis of a free, liberal, and democratic state.

But, these days, Filip Dewinter, leader of one of Europe's most extreme far-right political parties, Belgium's *Vlaams Belang* (Flemish Interest), has had nothing but praise for his liberal neighbors to the north. In speech after speech over the past months, Dewinter has repeated the same refrain: "Once, Holland was the model country for everything left and progressive. Now, it is the model for the right and conservative powers."

Americans still tend to think of Holland as a bastion of liberty, either praising or condemning its permissive stance on matters like euthanasia or gay marriage, depending on their political persuasion. But, today, Dewinter's description seems more accurate. Increasingly—from a crackdown on immigration to a proposal to teach intelligent design to the censorship of a TV program satirizing the royal family (despite reports that the queen herself actually enjoyed the show)—Holland is, indeed, becoming a right-wing nation, in some ways an inversion of its former self.

Much of Holland's rightward shift is the result of conflicts between the nation's native and Muslim immigrant populations. Fear of Islamic terrorism accounts for some changes: Despite having experienced few terrorist attacks, here, as in the United States, national security is the primary issue, and people are willing to sacrifice liberties (as well as social benefits) to obtain it. But the rising number of immigrants has also prompted a xenophobic and nationalist backlash, with frequent editorials and public debates about "what it means to be Dutch." Concern about immigration has become so profound that it even trumps worries about the Dutch economy. Support for the liberal workers' party, the Partij van de Arbeid (PvdA), which balances its economic and

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cultural policies with a generous and tolerant view of Muslims, has waned. Explains right-wing politician Hilbrand Nawijn, "Social issues are a problem. The people talk against current policy, but they remain afraid of bad immigrants and of Islam. And, in this way, people will remain conservative."

This turnabout has not happened overnight. The Muslim population of the Netherlands has grown from some 50,000 guest workers in the 1970s to approximately one million today, giving Holland the second-largest per capita Muslim population in the European Union, after France. Anti-Muslim sentiment, already brewing before September 11, deepened when Muslims in the town of Ede celebrated the attacks in New York and Washington, D.C.

Soon after September 11, Pim Fortuyn, a flamboyantly gay former sociology professor, capitalized on those sentiments when he ran for parliament, proclaiming Islam a "backward culture," advocating a "cold war against Islam," and declaring that "the Netherlands is full; it is time to close our borders." Supported in large measure by 18- to 30-year-old voters, Fortuyn's new party, the Lijst Pim Fortuyn (LPF), called for diminishing public health and education services—what Fortuyn called "subsidy socialism"—and a tightened immigration policy. "I say what I think and I do what I say," was Fortuyn's trademark line, and it appeared refreshingly direct to a public weary from years of political correctness and pretense.

Not everyone, however, was delighted by Fortuyn. He was assassinated on May 6, 2002, by a leftist animal rights activist (not, as most people anticipated, by a Muslim). But Fortuyn proved to be more powerful in death than in life: When elections were held days later, Fortuyn's popularity ushered in a conservative majority in the parliament, ousting the previous left-leaning government. It was a short-lived victory. Parliamentary acrimony forced a collapse of government that October, and, when new elections took place in January 2003, the LPF was voted out, replaced by a slightly more centrist alliance between the *Volkspartij voor Vrijheid en Democratie* (People's Party for Freedom and Democracy, or VVD) and the Christian Democrats, along with support from a smaller third party.

THE MESSAGE OF the LPF's surprise showing in the earlier elections, however, was not lost on the new government: Holland wanted change. Even the PvdA weighed a harsher stance on immigration policy. In speeches and editorials, the Somali-born Ayaan Hirsi Ali, then a researcher for the PvdA, began echoing Fortuyn's attacks on Islam as homophobic, misogynistic, and antithetical to the Dutch principles of tolerance and openness. Coming from a former Muslim now living in Holland, Hirsi Ali's denunciation of Islam—and her exposure of domestic abuse and even honor killings in the Dutch-Muslim community—caused so much outrage that, in September 2002, death threats forced her to leave the country. She returned only when the VVD invited her to run for parliament under its banner—and offered her secret service protection—just prior to the January elections. It was a move that shocked the country, suggesting that the PvdA and VVD were now so close in their ideals that one could simply skip between the two parties. As the representative in charge of immigrant integration, Hirsi Ali became a powerful voice for the anti-multiculturalists.

In March 2003, nearly a year after Fortuyn's death, the Lebanese-born Belgian Dyab Abou Jahjah founded a Dutch wing of his Arab European League, a radical Muslim political group with aspirations to develop into a pan-European Muslim party. Eloquent and charismatic, the then–31-year-old Jahjah became, for some Dutch Muslims—particularly disenfranchised Dutch-Muslim youth—what Fortuyn had been for Dutch natives. Although his group has struggled to achieve broad support, Jahjah, with his virulent anti-Israel stance, is cited by Jewish watchdog groups like the Center for Information and Documentation on Israel as having exacerbated already worsening anti-Semitism in Holland.

Daily news accounts of alleged misdeeds committed by Muslims, particularly in Amsterdam, have only fueled the increasing sense of crisis. Police reported that, of 1,500 juvenile delinquents in Amsterdam, 1,200 were Dutch-Moroccan (a statement that was later challenged). In one incident, a homeless Dutch woman—falsely accused of shoplifting from a grocery store in Amsterdam—left the store cursing at the Dutch-Moroccan owners who had detained her. She was immediately attacked; she died when someone hit her with a chair from a nearby café.

Right-wing ideas are increasingly popular among teenagers, nicknamed "Lonsdale youth" because they have adopted the Lonsdale clothing label as a kind of uniform—a gesture some have traced to the letters NSDA in the name (a reference to Hitler's NSDAP), while others interpret it as insider code for "*Laat ons Nederlanders samen de allochtonen langzaam elimineren*" ("Let us Dutch slowly eliminate the Muslim foreigners together"). And, in June 2004, a study showed that 86 percent of Dutch natives felt threatened by Holland's Muslim population—this while only 33 percent acknowledged knowing anything about them other than what they saw on television or in the streets.

Such was the climate—a Huntingtonian clash of civilizations—when filmmaker Theo van Gogh, the artist's great-grand-nephew, and Hirsi Ali collaborated in August 2004 on the docudrama *Submission*, a film that contended that the abuses of women in Muslim society were ordained in the Koran. When the film aired on August 29, 2004, what was left of a middle ground between the nationalists and multiculturalists collapsed. Tensions soared. Death threats against Hirsi Ali and van Gogh grew. And, on the morning of November 2, 2004, a Dutch-born Moroccan, Mohammed Bouyeri, shot and stabbed van Gogh as he bicycled to work.

VAN GOGH'S MURDER is often referred to as the September 11 of the Netherlands, but, in some ways, its effects on Dutch society have been far more profound. November 2 divided the coun-

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try, literally setting neighbor against neighbor. White extremists set fire to Muslim schools. Muslim extremists chanted their support for van Gogh's killer. Integration minister Rita Verdonk warned against further violence on the night of van Gogh's killing. "To here," she announced, "and no further."

Since then, the crackdown on immigrants—and Muslims in particular—has accelerated. At the time of van Gogh's killing, progress was already underway on legislation that would expel immigrants who commit crimes. Currently, any non-EU citizen who is approved for a green card must attend a citizenship course with 500 hours of Dutch language instruction and 50 hours of "social orientation." In recent months, immigration officials have further proposed requiring that not only new applicants, but also anyone living in the Netherlands who has not completed the requisite eight years of primary education here, take the course.

The rightward shift can also be seen in a raft of other recent laws: Carrying a nationally recognized form of ID has been mandatory since January of last year. Ministries have slashed art subsidies and welfare. And, in July, the parliament approved a security package allowing video surveillance on the streets and government access to records of Internet surfing, information about book and video purchases (and rentals), vacation plans, medical records, and health club memberships, as well as continuing access to private phone conversations and bank transactions. All such records in private hands must be kept for a minimum of three years and delivered to authorities on demand.

Meanwhile, Nawijn, formerly of the LPF, has joined up with Belgium's Dewinter to create a think tank aimed at examining immigration, multiculturalism, and security, as well as at strengthening Dutch-Flemish culture and its presence in the European community. Moreover, Nawijn explained in a telephone interview, the two plan to promote Denmark's highly restrictive immigration model—which they consider ideal—throughout Europe. Long-term plans, says Nawijn, who recently founded his own political party—*Lijst Hilbrand Nawijn*—include a run for parliament in 2007.

Caught in the middle, Dutch moderates have started leaving—largely for Canada and New Zealand, according to one report—and net emigration in the first half of 2004 was the largest since the 1950s. More interestingly, many moderate Dutch Muslims—mostly Turks—have started making plans to leave as well. "It's less radical there than here," one aspiring émigré, who planned to move to Turkey, told a Dutch newspaper.

Now, a little more than a year after van Gogh's murder, Holland finds itself in a kind of social quagmire: The more repressive the government and the more Muslim-unfriendly it is perceived to be, the more radicalized its Muslim youth become. The anger is palpable: Gone are the days of carefree strolls through Amsterdam streets or smiling nods to neighbors of another race. One looks twice now. The smiles are often false—a kind of armor people wear—to protect themselves from anger and from fear. ■

Hillary woos a tabloid.
Post Election

BY BEN SMITH

In 2000, aides to Hillary Clinton talked about running against two opponents. One was Rick Lazio, the Republican candidate for Senate. The other was the *New York Post*, New York's leading practitioner of politics-as-blood sport. And, while Lazio didn't turn out to have much behind his punches, the *Post* came at Clinton from all directions. The editorial page thundered that "to vote for Hillary Rodham Clinton is to affirm double-dealing and deception." The front page—"the wood," in tabloid-speak—featured unflattering photographs of Clinton and highly charged, boldface headlines like "BLOOD MONEY" in reference to a Clinton donor alleged to have terrorist sympathies. Then there were a series of exclusive surveys from John Zogby that contradicted most other public polling and produced this drumbeat of *Post* headlines in the final weeks of the race: "LAZIO IS PULLING AHEAD," "RICK UP BY FIVE POINTS," "THEY'RE NECK AND NECK AT THE FINISH LINE."

"We beat the shit out of her," one person involved in the coverage sums up. Michael Tomasky, now editor of *The American Prospect*, counted among the *Post*'s signed and unsigned opinion pieces about Clinton "seven positive pieces, seventeen neutral ones—and 212 negative ones." So, after Clinton's victory, her aides and everyone else in town expected six hard years from the lively, money-losing tabloid and its owner, the conservative media baron Rupert Murdoch. After all, Murdoch's Fox News, born at the start of Bill Clinton's second term, had served as the main publicity arm of the "vast right-wing conspiracy."

But instead, to the surprise of both Clinton's supporters and her critics, the *Post* has embraced Clinton and helped champion many of the political victories of her first Senate term. As the *New York Observer*, my newspaper, first reported last summer, the *Post*'s newfound respect for Clinton is one of several signs of a budding alliance between the Clintons and Murdoch. And Clinton's strategy for winning over the *Post* and her former nemesis suggests she has developed the skills to mute her bitterest critics as she looks toward the White House in 2008.

Clinton's approach to the *Post* has been a courtship of small steps, starting with straightforward agreements on policy. How the *Post* and Clinton found ideological middle ground is no mystery: The politics of September 11 and Iraq put the

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apparently hawkish Clinton on, from the editors' point of view, the right side of World War Three. "The thing that changed was 9/11," says Bob McManus, who runs the paper's editorial page. "She began to exhibit some leadership qualities that we didn't see that were there."

Clinton fought for federal resources for New York and backed—unreservedly—the Bush administration's response to the attacks, its invasion of Afghanistan. Her statement on the Senate floor on September 12, 2001, was a tough with-us-or-against-us line that now sounds like the Bush doctrine *avant la lettre*. She expressed her support for the president "not only to seek out an exact punishment on the perpetrators, but to make very clear that not only those who harbor terrorists, but those who in any way aid or comfort them whatsoever, will now face the wrath of our country."

It was hard for the *Post* to find fault with that, and, two days after Christmas 2001, the editorial board made a rare admission of error. "Hillary Rodham Clinton has been in the United States Senate for a year, less five days, and the world hasn't come to an end," said the editorial. "OK, so we were wrong. More than that, we're pleasantly surprised in many respects by the former first lady's performance so far." Their praise for Clinton's position on the decision to go to war, which she voted to authorize, and for expanding the military, culminated in an editorial last July headlined "HILLARY CLINTON: THE UNLIKELY WARRIOR."

But Clinton's foreign policy is only part of the story. The other part has been an active courtship on Clinton's part—including access for *Post* reporters. Unlike some politicians brutalized by the *Post*—notably this year's Democratic mayoral nominee, Fernando Ferrer—she and her staff never cut off the paper, however shrill it got. Her top campaign communications aide, Howard Wolfson, had arrived with a respect and understanding for the tabloid's power from his time with Westchester Representative Nita Lowey, whom he helped engineer into an unlikely *Post* favorite. Clinton's courtship of the paper has ranged from her warm relations with the paper's Capitol Hill staff—one former reporter, Vince Morris, was a particular favorite—to her keen awareness of some of the paper's favorite crusades. Unlike Senator Charles Schumer and other prominent politicians from both parties, she has not sought the support of the Independence Party, a New York state outfit whose most prominent member, Lenora Fulani, is a regular *Post* target for her views on Jews. And, last year, when the paper was wrapped up in an all-out assault on the International Freedom Center, a planned museum at Ground Zero that the *Post* warned would be a "monster" and "a forum for America-bashing," Clinton joined in. Already under heavy fire, the project died—people involved say—the day Clinton came out against it in an interview with the *Post*. She got the wood, and an editorial labeled the move "HILLARY'S HOME RUN."

The distance from the devious carpetbagger the *Post* portrayed in 2000 to the serious junior senator who, for the most part, occupies its pages today is hard to match in America's political press. (Comparing *The New York Times*' coverage of John McCain in his Keating Five days with today might get you close, but that didn't happen in a single term.) Both sides, though, insist this is journalism as usual. "With any politician, we treat them issue by issue," says the *Post*'s current editor, Col Allan, through a spokesman. Clinton's spokesman, Philippe Reines, takes a similar line: "The *New York Post* and other media outlets," he begins—as though the *Post* were of the same species as the Rochester *Democrat and Chronicle*—"are just reflecting the reality that Senator Clinton has worked tirelessly and done a good job for New York."

Beyond these bromides is a realization by both Clinton and Murdoch that their relationship can be mutually beneficial. Murdoch's history with Prime Minister Tony Blair offers the blueprint: After then-candidate Blair flew to Australia's Hayman Island to address executives of Murdoch's News Corporation, Murdoch's British papers abandoned the Tories to support him. Murdoch would go on to benefit from Blair's media deregulation. Murdoch's career has featured such episodes of putting business interests ahead of ideology, as when a publishing company under his control dropped a memoir critical of the Chinese government. "It's a lot about Rupert," says a former *Post* editor, Lou Colasuonno, about the changes at his old paper. "He's smart about where he thinks he needs to be, and his ideology is often less important than his business."

What Murdoch wants directly from Clinton isn't entirely clear, though Ted Kennedy taught him a lesson in angering U.S. senators in 1988, when Kennedy's ban on cross-ownership of media forced him to sell the *Post*. (He repurchased it, with the support of a placated Kennedy, five years later.) But Clinton isn't just any junior senator: News Corp has sprawling regulatory interests, and every corporate chief could use a favor from a woman who just might be the next president of the United States.

For her part, Clinton hasn't been to Hayman Island yet, but she did lunch with Murdoch—a man who did as much as anyone to drive the sex scandal that almost undid her husband—at his company's Midtown tower, according to one person who was at the meeting. "Senator Clinton respects [Murdoch] and thinks he is smart and effective," Reines said last summer. Personal diplomacy, however, is the true calling of the senator's husband, who has done everything from touring the *Post*'s newsroom to recording a birthday tribute to Fox News chief Roger Ailes. He also recruited Murdoch as one of the small handful of business executives participating in his "Global Initiative," a sui generis foreign policy conference in New York in September. Seated in a set of low white armchairs, the former president interviewed Murdoch, along with Sony's Sir Howard Stringer and Time Warner's Richard Parsons, about the future of global media. After the panel ended (late, of course), Clinton and Murdoch chatted in a corner, one's hand on the other's arm, while admirers, including a largely ignored Brad Pitt, tried to get close to the two men.

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FOR ALL THESE reasons—Clinton's hawkishness, her courtship of the paper, and her and her husband's courtship of its proprietor—the *Post* is no longer Clinton's enemy. The shift has reshaped New York politics and made it exponentially more difficult for a challenger to unseat Clinton later this year. "If a statewide Republican candidate doesn't have the *New York Post* beating the hell out of Hillary every day, it's going to be hard to find another outlet where you're going to see a wedge for really sharp-edged and vitriolic attacks pushing in," says Republican media consultant Rick Wilson, who is best known for producing a controversial ad attacking Vietnam veteran and Georgia Senator Max Cleland in 2002.

And so the Republican establishment's choice to challenge Clinton, the flashy Westchester County district attorney, Jeanine Pirro, lost her best platform before the race even began. Things have come so far this election cycle that, as veterans of Clinton's 2000 staff watch in astonishment, the *Post*'s favorite target emerged not as Clinton but as the "bumbling" Pirro, who abandoned her Senate attempt on December 21.

There is little evidence, however, that the tabloid's altered view of Clinton has been adopted by its more conservative readers. While the *Post* is accustomed to shrugging off high-minded censure from the left, its Clinton cheerleading has brought "a lot of criticism" from a different quarter, as McManus, the editorial page editor, acknowledges. "There's people out there who think she's, if not the devil incarnate, certainly the spawn of the devil," he says. "We do something that surprises them, and we're going to hear about it."

That the *Post* is being attacked for its Hillary coverage from the right is testament to the evolution of Clinton's political skills. Before she ran for Senate, she wasn't known for placating her critics. "This is a battle," she declared during that famous 1998 "Today" show interview when she coined the "vast right-wing conspiracy." But her courtship of the *Post* indicates that the senator has mastered some of the political skills her husband was apparently born with. She has steeled herself to build a relationship with a newspaper that tried to defeat her in 2000. She has even allowed the paper to dictate elements of her agenda, as at Ground Zero. And she and her husband have personally wooed a man whom many of her allies hate with the kind of passion that the right used to reserve for Hillary.

That said, Clinton has hardly co-opted the tendentious tabloid, which still runs columns by Clinton apostate Dick Morris. As she edges away from her support for Bush's war, she has taken some serious, though mostly respectful, fire from the *Post*'s editorial page. But those who wonder whether she can tack as adroitly on the national scene as her husband did in his own quest for the White House should know: She has been practicing such triangulation here in her adopted home state. And, in the process, she has turned a killer tabloid into an ordinary hometown paper. ■

The fight over immigration is a fight over identity.

Border War

BY JOHN B. JUDIS

A BATTERED YELLOW school bus rumbles up a bumpy dirt road on the outskirts of Sasabe, a small Mexican town just over the border from Arizona. At the top of the hill, the bus winds around brick and mud huts. Ragged children stand in the doorways, and emaciated dogs forage for scraps. The bus passes dented pickups and old cars without wheels and stops in a dusty clearing, where it disgorges about 40 teenagers dressed in blue jeans and carrying small knapsacks. One boy's T-shirt features a picture of Che Guevara. A girl's pale blue top says ADORABLE in sequined letters. They are subdued, almost expressionless. They mill around, waiting for the *coyotes*, or smugglers, who, for a hefty fee, will take them in pickup trucks to the border.

There, they will climb through holes in the barbed wire fence separating Mexico from the United States. Some will not make it through the 100-plus-degree Arizona desert on the other side (from October 2004 to October 2005, 261 would-be migrants died in the desert before reaching Tucson or Phoenix) and about one-third of them will be apprehended by the U.S. Border Patrol. But, over the course of a year, almost two million will make it, sometimes after several tries, and enter the underworld of undocumented migrants: working on farms, as day-laborers in construction, as servants and maids, or in sweatshops and meatpacking plants. Unable to protest mistreatment, they will be subject to abuse and exploitation, but most of them will still fare better than if they had stayed in their native villages.

This influx of migrants into Arizona—and the fact that many stay in the state rather than moving north or west—has created a political explosion. In November 2004, anti-immigration activists won a bruising campaign to pass Proposition 200, which denies "public benefits" to people who can't prove their citizenship, despite the opposition of the state's congressional delegation, including Republican Senators John McCain and Jon Kyl; Democratic Governor Janet Napolitano; and major business groups and labor

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unions. Last spring, the Minuteman Project, which George W. Bush wrote off as a group of "vigilantes," set up shop in Tombstone, near the border, to dramatize the failure of the Border Patrol to prevent "illegals" from getting through. Republican state legislators, equally hostile to McCain and Napolitano, are trying to expand Proposition 200 and plan to make illegal immigration the focus of the 2006 elections. "We are ground zero" in the battle over immigration, warns former Arizona House Majority Whip Randy Graf, who spearheaded the campaign for Proposition 200 and is now running for the Tucson-area House seat to be vacated by Representative Jim Kolbe.

The furor over illegal immigration is sweeping the country—from California and Washington to Virginia and Tennessee, and even up to Vermont, New Hampshire, and Minnesota—but Arizona is indeed ground zero, having surpassed neighboring states as the principal gateway to the United States for illegal immigrants from Mexico and Central America. Beltway politicians who want to clamp down on the border claim this furor is the result, as Colorado Republican Representative Tom Tancredo has suggested, of immigrants "taking jobs that Americans could take." And many Americans far from the Arizona border certainly believe that—in low-immigration West Virginia, for example, 60 percent of respondents in a recent poll agreed that "immigrants take jobs away from Americans." But that's not what's happening in Arizona's citrus groves or hotels or restaurants. And, in Arizona, those who are most up in arms over illegal immigration are far more concerned with its sociocultural than its economic effects. They are worried about what is commonly called the "Mexicanization" of Arizona. That kind of cultural concern extends to legal as well as illegal immigrants—and it can't be easily fixed by legislation.

MEXICANS BEGAN CROSSING the border to Arizona in the early twentieth century to work in "the five Cs"—construction, copper, citrus, cattle, and cotton—but, until recently, the great majority of illegal immigrants came through California and Texas. In 1990, for example, about 90 percent entered through those two states, while only about 5 percent came through Arizona. But, as the uproar over "illegals" grew—in 1994, for example, California passed Proposition 187, denying public benefits to undocumented workers—the Border Patrol instituted Operation Gatekeeper in California and Operation Hold-the-Line in Texas. These programs reduced illegal immigration to those states, but not overall. Instead, illegal immigrants were simply diverted to Arizona's desert border, and, between October 2004 and October 2005, about half of the four million illegal immigrants who entered the United States came through Arizona. According to Princeton University sociologist Douglas Massey, about 1.5 million of them crossed the eastern part of the Arizona border, south of Tucson, and about 470,000 entered through the area around Yuma, near the California border.

Going through the desert is far more dangerous than walking over a bridge into a Texas or California border town or even fording the Rio Grande. And it's more expensive, too. But Mexicans and other Latinos are willing to pay the *coyotes*, because they hope to find well-paying jobs in the United States. And, relative to where they came from, they will. In 2000, according to the U.S. Department of Agriculture (USDA), a farm worker in Mexico could expect to make $3.60 in an eight-hour day, while his counterpart in the United States made $66.32 in the same period. The discrepancy has increased since the North American Free Trade Agreement (NAFTA) went into effect in 1994, removing tariff barriers on the importation of U.S. farm products and decimating small farmers in Mexico. Says Sandra Polaski, a trade expert at the Carnegie Endowment for International Peace, "Small farmers who produced for subsistence but also for the market lost their market access." According to the USDA, Mexican farm income fell 4.3 percent per year during the 1990s. Young men and women left in search of work, and, while some of them found jobs in U.S. factories on the border (*maquiladoras*), many of them crossed the border in search of better-paying jobs.

Most of those who make it do find jobs—92 percent of males, according to one estimate. And, with undocumented workers adding to the normal population increase, Arizona's Latino population has ballooned, going from 19 percent in 1990 to 25 percent in 2000. Phoenix, which was once a primarily Anglo town, has gone from 20 percent to about 34 percent Latino. Says former Arizona Attorney General Grant Woods, one of the state's prominent Republicans, "When I was in the first grade in 1960, Phoenix was the same distance from the border. Phoenix now feels much more like a border town than it did even ten years ago. Billboards in Spanish, a lot of people speaking Spanish. Most of us think this is great, but a lot don't." This transformation in Arizona society and culture, along with the disorder created by the dramatic rise in border-crossings, has made immigration the biggest issue in Arizona politics.

In the 2002 gubernatorial election, when Napolitano barely edged out Republican Representative Matt Salmon, the two candidates rarely mentioned immigration. But, soon after Napolitano took office in 2003, she and her chief of staff, Dennis Burke, were astonished to discover that the state's voters were preoccupied with the issue. Says Burke, "The first time we looked at polling, the number-one issue was immigration, not education. Then, a year and a half ago, it got pretty visceral. It started to permeate all issues." That was largely because political activists and conservative Republican state legislators had begun organizing.

In July 2003, Phoenix resident Kathy McKee established the Protect Arizona Now Committee and got a lawyer to write what became Proposition 200, basing it on California's Proposition 187. It was put on the November 2004 ballot. And, although almost the entire Arizona political establishment opposed it, the measure still garnered 56 percent. Then, last year, the state legislature passed a raft of anti-immigrant bills, including measures to deputize local and state

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police officers to enforce immigration laws and to broaden the definition of the "public benefits" denied to illegal immigrants under Proposition 200. Napolitano vetoed all but one of the bills but has since backtracked in the face of growing public pressure. And Russell Pearce, the powerful chairman of the Arizona House Appropriations Committee—who, with Graf's departure in 2004, has become the leader of the legislature's anti-immigrant force—is currently championing legislation that would make English Arizona's official language and construct a wall along the entire Arizona border.

Graf, Pearce, McKee, and the Republican legislature have clearly tapped a growing sentiment among the state's white voters. Wes Gullett, a political consultant and a key adviser to John McCain, recently conducted a poll in Cochise County, south of Tucson, to test voter concerns. "Instead of asking what are the top three issues," Gullett says, "we have to ask what are the top four, because the first three are immigration. You have to ask, 'What do you care about other than immigration?' It's crazy down there."

BUT WHAT, EXACTLY, is this craziness about? In Washington, politicians and political organizations regularly attribute the obsession with immigration to illegal migrants taking the jobs of native-born Americans. Tancredo makes that claim, and so do the two leading groups advocating restrictions on immigration, the Federation for American Immigration Reform (FAIR), which bankrolled Proposition 200, and the Center for Immigration Studies. That did happen in Midwestern meatpacking plants several decades ago, and it may still be happening in some parts of the country, but it does not seem to be the case in Arizona, where unemployment hovers below 5 percent and where construction, agriculture, and tourism are plagued by acute labor shortages. Illegal immigration doesn't even seem to be having a dramatic effect on wages, with pay for unskilled work in Arizona regularly exceeding the minimum wage.

Unskilled workers currently make up 32 percent of Arizona's labor force, and they are constantly in demand. Tom Nassif of Western Growers, a trade association, recently complained that the construction industry was "siphoning off" the migrant workers that growers needed in the field. "Farms will not have enough workers to harvest their crops," he warned. Meanwhile, Arizona's tourist industry says it can't find enough workers for its hotels and restaurants. Bobby Surber, the vice president of Sedona Center, who runs three restaurants, two shopping plazas, and a resort, and employs 200 people, says, "Even though we pay larger than average, and full medical and dental, we cannot find enough employees."

Of course, Arizonans could still believe, just as Americans in West Virginia do, that illegal immigrants threaten their jobs. And pollsters invite this response by always asking about the economic effect of immigration and refraining from raising uncomfortable cultural concerns. But, in interviewing Arizonans, one rarely encounters complaints about illegal immigrants taking jobs away. One does hear about the cost of state services for illegal immigrants. Indeed, even the Latinos who voted for Proposition 200 were worried about the burden that illegal immigrants were placing on schools and hospitals. And, in border towns, crime and disorder are pressing issues. (Some of the *coyotes* double as drug smugglers, and the migrants traipse through farms and ranches.) But, among many Arizonans, the most important issues are cultural. They fret about "Mexicanization"—about Arizona becoming a "Third World country" or "the next Mexifornia."

In interviews I conducted last fall, leaders of the movement to restrict immigration usually began by expressing concerns that illegal immigration was undermining the rule of law and allowing terrorists to sneak across the border—concerns they seem to believe are most likely to win over a national audience. But they invariably became most animated, and most candid, when talking about what they see as the unwillingness of Mexican immigrants—legal or illegal—to assimilate into American culture.

Connie, who doesn't want her last name used for fear of retaliation from immigration advocates, was one of the first

Clyde Phillips, a supporter of the Minutemen, protests last April in Nacos, Arizona.

SCOTT OLSON/GETTY IMAGES/NEWSCOM

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members of the Minutemen. She lives in Sierra Vista, a small retirement town near the border. Barely five feet tall, with short, graying hair, she prides herself on her feistiness. She is now in charge of patrolling the Nacos area near the border. She says that, at night, she and her husband station themselves on a hill in view of the fence and watch for "illegals." She says that she became interested in the Minutemen because the organization was upholding the rule of law and keeping out terrorists. "We have many apprehensions of Pakistanis and Iraqis on the border. They are coming in disguised as Hispanics and blending in," she says. (When I ask a human rights worker in Sasabe if he had heard of Iraqis entering the United States disguised as Latinos, he laughs. "The [Mexican] army is very watchful about that kind of thing," he says.)

Connie insists that the Minutemen are neither "extremist" nor "racist," but, as we ride along the border in her Ford Navigator, Connie voices distinctly cultural and racial concerns. She says that the illegals she sees coming across the border are the "darker" Mexicans. Mexican President Vicente Fox, she says, "doesn't want them in the country." She speculates that Mexicans might want to take over Arizona: "In Mexico, they are taught this land was taken from them. They are not taught they were paid tons of money for it. There is a belief they want this back." (After defeating the Mexican army in 1848, the United States bought all of California and the Southwest from Mexico for $15 million.) When I comment that California has remained in good shape despite massive immigration, she takes exception. "California is not a shining example," she says. "You have the Chinese, the Vietnamese, the Russians, all these people immigrating. How many languages do you have to have on the ballot?" Asked if she would support McCain's proposal to allow Mexicans to enter the country legally as guest workers, Connie demurs. "Who is going to pay for it?" she asks. "When my grandmother came from Czechoslovakia, one thing she did was assimilate. She was proud to be an American. Their attitude is, 'We won't assimilate.' "

That's what bothers Graf as well. "We are talking about assimilation," says the congressional candidate, as we sit in his East Tucson campaign headquarters. "I don't have any problem about anyone who wants to salute our flag and learn our language and be a citizen. What got me into the whole issue was that I was standing in line in a Safeway, and this woman was ahead of me, and she had an infant, and was pregnant, and her mother was with her. She was paying for groceries in food stamps. And, when the clerk asked for her signature, she acted like she didn't understand English, and neither did her mother. I found it odd that an entire family could be here on welfare and not speak any English. On welfare!"

Graf's chief ally is Pearce, who lives in the Phoenix suburb of Mesa. Last fall, he complained to a reporter from *Stateline.org* about his hometown: "It's not the Mesa I was raised in. They have turned it into a Third World country," he said. By "they," Pearce means Latinos in general. On his website, he warns, "Over 800,000 Americans fled California last year because LA became a clone of Mexico City." Pearce, like Connie and Graf, envisages a cultural conflict between the white America he grew up in and an invading army of dark-skinned, Spanish-speaking immigrants from south of the border.

Ray Borane, the longtime Democratic mayor of Douglas, a border town in Cochise County, laments that Graf "represents the majority opinion" in the state. That may be an exaggeration, given Napolitano's and McCain's continued popularity, but Graf and his angry allies do represent a significant segment of voters—perhaps one-third or more—who are up in arms. And longtime observers of Arizona politics confirm that a concern with Mexicanization lies at the heart of their opposition to illegal immigration. "Nobody is afraid of jobs," says Gullett, the McCain adviser. "We have got labor demand. That's not a problem. There is no feeling that people are losing their jobs. There is a tremendous fear that our community and our way of life is changing." Dave Wagner, the former political editor of *The Arizona Republic*, who is writing a book about Arizona politics, says that, in Phoenix, "Mexicans and Mexican-Americans have their own culture and stores. It is possible if you are Spanish-speaking to disappear into that culture. That scares the hell out of some people." Says Woods: "Arizona has changed dramatically in the last 20 years, and a lot of people are uncomfortable with that."

IT'S A DISCOMFORT that politicians like Graf and Pearce hope to take advantage of. They want to purge the Republican Party of pro-business conservatives like McCain, Woods, Kolbe, and Phoenix Representative Jeff Flake, all of whom favor a guest-worker program and some form of amnesty for undocumented workers already in the United States. Graf ran against Kolbe, an opponent of Proposition 200, in 2004, and, in spite of being massively outspent, got 43 percent of the vote. He's running again, and, with Kolbe out of the race, he has a decent chance of winning the Republican nomination. Republicans in the legislature are also preparing a witches' brew of new anti-immigrant legislation for the term that begins in January.

And the underlying conditions that have fueled their protest and made Arizona ground zero are likely to persist. Arizona businesses have relied on migrant labor for 100 years. Says Phoenix College political scientist Pete Dimas, author of *Progress and a Mexican American Community's Struggle for Existence*, "Immigrants have provided the cheap labor on which this whole part of the country has depended." And the demand for unskilled labor is likely to continue. According to statistics from the Department of Labor, 13 of the 20 occupations in Arizona that will experience the highest growth from 2002 to 2012 employ unskilled workers. Many of these jobs in food-processing or building service are now spurned by the native-born and are filled by illegal immigrants. And, with all of Mexico's tariffs on farm products due to disappear under NAFTA, and with the Central American Free Trade Agreement going

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into effect, the supply of unskilled labor looking northward is likely, if anything, to mount.

As immigrants continue to cross the border, the "culture war" is unlikely to abate. Connie is right. Mexican and Central American legal and illegal immigrants probably won't assimilate in the way her Czech grandmother did. European immigrants who came to the United States in the last century had to travel over an ocean to arrive here, and many of them came from countries undergoing political or economic upheavals. Their identification with the homeland rarely lasted past a generation. That's not as true of Mexican or other Latino immigrants, who have their own claim on the culture of the West.

Many of the migrant workers who crossed the border after 1848 did so to make money to bring back home. They retained their language and national identity. According to Douglas Massey, Jorge Duran, and Nolan J. Malone in *Beyond Smoke and Mirrors*, 23.4 million of the 28 million undocumented workers who entered the United States between 1965 and 1985 returned to Mexico. What's changed in the last decade, ironically, is that more extensive border enforcement has discouraged illegal immigrants from returning to Mexico for fear that they will be unable to get back into the United States. Still, many continue to support extended families in Mexico, call themselves Mexicans, and consider their primary language Spanish. They are contributing to a bicultural America that stirs fear and resentment among some native-born Americans and that will continue to inspire calls to close the southern border.

ARIZONANS ON BOTH sides of the controversy are looking to Washington for solutions. They know that states can't pass their own guest-worker programs; nor can they police their own borders. But there is little chance that the Bush administration and Republicans in Congress—sharply divided between social conservatives and business interests—will be able to pass legislation this year. And, even if the House, the Senate, and the White House could agree on an approach, it would not end the furor over immigration.

Last month, social conservatives in the House, led by Tancredo and Wisconsin Representative James Sensenbrenner, passed a punitive bill that would erect new walls along the border, make illegal immigration a felony, and require employers to weed out illegal workers by checking their immigration status against a national database. In the Senate, McCain and Massachusetts Democrat Edward Kennedy introduced a bill that is backed by business and by some labor groups. It would let migrant workers obtain renewable three-year visas and allow undocumented workers already in the country to stay provided they pay a fine. McCain and Kennedy probably can't get their bill through the Senate—too many Republicans fear being tagged as proponents of "amnesty" for illegal immigrants—but they could certainly muster enough votes to prevent the Senate from passing a version of the House bill.

In the past, Bush has leaned toward McCain's approach—the president encouraged McCain after the 2004 election to seek Kennedy's support for a bill—but he has recently attempted to appease social conservatives, praising the House's measures to "protect our borders and crack down on illegal entry into the United States." Bush holds out hope for a Senate bill that would somehow combine McCain's approach with Tancredo's. But that's unlikely to happen.

Even if Congress were to adopt one of these approaches—or a combination of the two—it would not quiet the controversy. Punitive approaches have either had unintended consequences (for instance, encouraging illegal immigrants to stay in the United States rather than return to Mexico) or have proved unenforceable. Border Patrol spending has increased over 1,000 percent since 1986 without reducing border-crossings. McCain and Kennedy's approach is far better, acknowledging the inescapable reality of Latino immigration and its net benefit to the U.S. economy. But granting amnesty to undocumented workers, and inviting new workers in, will not satisfy Americans who are offended by the growing presence—legal or illegal—of Latinos in their midst. And combining the two proposals would more or less reproduce the Immigration Reform and Control Act of 1986, which hiked border spending, threatened employer penalties, granted amnesty to undocumented workers, *and* led to almost two decades of clamor over immigration.

That furor will not abate until at least one of two conditions is met. The first is a dramatic generational change in the cultural attitudes of non-Latino Americans—meaning the acceptance of biculturalism in large parts of the United States, including Arizona. Frank Pierson, the supervising organizer of Arizona's Valley Interfaith Network, a coalition of church and labor groups that promotes cultural integration, wants Arizonans to adopt the biblical tradition of showing "love for the stranger." But non-Latino Americans probably have to reach a point where they no longer see immigrants from south of the border as strangers at all.

The other condition is a change in the unequal economic relationship between the United States and its neighbors to the south, which would reduce the supply of unskilled laborers seeking jobs in the United States. Such a change could probably only occur if the United States were to assume the same responsibility toward Mexico and Central America that the more prosperous nations of Western Europe did toward Spain, Greece, and Portugal when they wanted to enter the European Union—granting them aid, along with protection of their industries and agriculture, over a transitional period.

But neither condition is likely to be met in the near future. Americans are not ready to embrace the teenagers who gathered in Sasabe as their own, and U.S. business is not ready to see Mexico and Central America as anything other than a platform for exports and investment. As a result, the conflict over Latino immigration will continue. And, if what's happening on the Arizona border is any gauge, that's not something to look forward to. ■

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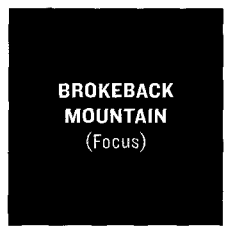
BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Out West

ANG LEE CONTINUES TO astonish. In 1995, when his best-known film was *Eat Drink Man Woman*, set in his native Taiwan, the producers of *Sense and Sensibility* tapped him to direct their picture: an act of perception, of courage, for which all of us owe them thanks. Lee proceeded—incredibly—to make the best of the Jane Austen films. He then went on to make five more pictures, among which were two ultra-American ones, *The Ice Storm*, about Connecticut suburbanites, and *Ride With the Devil*, about the Civil War.



Both of those films, whatever their other qualities, were made with societal comprehension. The fact that Lee was educated in theater and film at American universities must of course have much to do with his American ease. Now he shows it again in **BROKEBACK MOUNTAIN**, which deals with the American West in the twentieth century, and now we owe even more thanks to the producers who launched him on his unique career. (One of those producers worked on this new picture.)

The screenplay by Larry McMurtry and Diana Ossana, based on a story by Annie Proulx, is about two cowboys who are lovers. In 1963 in Wyoming, two ranch hands named Ennis Del Mar and Jack Twist are hired to spend the winter tending a thousand sheep up on Brokeback Mountain. (Shepherds though they are, through much of the film they call each other "cowboy," and we do see them later with cattle.) Ennis and Jack had not known each other previously, and they don't spend a lot of time together now. Ennis sleeps somewhere off near the sheep, and Jack bunks in a pup tent. One inclement night, however, they share the tent. There has not been the slightest hint of physical attraction between them, nor is there now as they bed down together. During the night, however, they find themselves—the phrase is apt—having sex.

In the morning they are their customary laconic selves as they go about their jobs, but they are both marked for life—by love. They have sex together again up in the mountains. Later on, through the years, they continue to meet as often as they can, even though in time both of them marry. The film traces their torment when separated, their happiness at reunions, and their near-pride in their private selves. Their marriages are not blissful—Ennis's wife indeed has seen the two men kissing—but they seem to accept marital trouble as part of the world's harassment of their truth.

The delicacy and pain and almost unbearable joy of the pair, though given to us through the actors, began with Lee, I believe—his vision of Ennis and Jack. He apparently sees their relationship as double. One part is the basic human lot, their immersion in a general current of emotional need that seems to flood around all men and women, that looks for reification, for person and place, in one or another sort of gender relationship. The second part is more specific: the morning after their first experience, Ennis and Jack virtually decide that they must be in love. They specify to each other that they are not "queer," but the condition that allows them to be themselves without shame is to believe that they are in love. This is a matter far from fakery. They are as truly in love as two people can be, but they are grateful for it because this spiritual union licenses them to continue their occasional beddings, and helps to justify each man to himself.

Their story does not finish as they might have wished: it couldn't, given the world in which they live. But their relationship from beginning to end has a finespun texture that is, I'd guess, the result of Lee's vision. His treatment of their love is so affirmed yet gentle that it seems, more than the story, the purpose for which he made the film.

The landscape in which most of it takes place is majestic, thrilling. It was actually shot in the Canadian Rockies, and the cinematographer, Rodrigo Prieto, presents the scenic marvels to us like resplendent gifts. The interweaving of the grand landscape with the intimate story has a peculiar synesthetic effect: it almost transmutes into music, Beethoven perhaps, in which great chords shape the cosmos through which a poignant lyrical theme winds.

Brokeback Mountain does not contain the slightest suggestion that its purpose is to chronicle a case or a social problem. (It has provoked a blizzard of articles on the subject of cowboy homosexuality, most of them paying little attention to the film's art.) It simply treasures two human beings who, unlikely as we may have thought it for these men, find themselves fixed in a discomfiting yet thorough passion. They inhabit a world that vaunts macho masculinity; nonetheless they seem secretly fortified by their fate.

The two leading actors are superb. Merely to remember their performances is to be moved again. Ennis is played by Heath Ledger, an Australian who has mastered western accent and bearing. He gives Ennis a solidity through which his new experience shivers like a crack through a rock. (An extrinsic fact to whet appetite: Ledger has just appeared in a film as Casanova.) It seems possible that, even allowing for the messiness of almost any acting career, Ledger may be on his way to the heights. Jack is Jake Gyllenhaal, who, in an odd way, has been slipping quietly into prominence. His performances in *Proof* and *Jarhead* hardly went unnoticed, but his Jack makes us realize that we have been watching the emergence of something more than a usable young leading man. As Jack, he creates a dogged sensitivity, a man who has not lived by emotional

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finesse but now finds himself capable of it and will not relinquish it.

Lee's part in these performances? In the diary that Emma Thompson kept while making *Sense and Sensibility*, she wrote: "I am constantly astounded by Ang—his taste is consummate. It sometimes takes a while to work out exactly what he wants but it's always something subtler." It seems highly likely that Ledger and Gyllenhaal could say the same.

So in all the tumult about this film, the eruption of its subject into wide attention and the consequent revelations about cowboys' lives in the past, let us—without forgetting the American sources of the screenplay—acknowledge the anomaly that the director is Chinese. Where his mind and imagination will take Lee next I do not yet know, but I certainly want to follow. ■

Cass R. Sunstein

The 9/11 Constitution

THE POWERS OF WAR AND PEACE: THE CONSTITUTION AND FOREIGN AFFAIRS AFTER 9/11
By John Yoo
(University of Chicago Press, 366 pp., $29)

I.

AFTER THE ATTACKS OF September 11, constitutional law was bound to change. Serious threats to national security have always had large effects on the nation's understanding of its founding document. A major reason is that the president's lawyers tend to see the Constitution as a highly flexible instrument, permitting their client to do what he thinks must be done. Francis Biddle, attorney general under Franklin Delano Roosevelt, said that "the Constitution has never greatly bothered any wartime president." Courts often ratify the decisions of wartime presidents. Roosevelt himself placed Japanese-Americans on the West Coast in internment camps, and the Supreme Court upheld his decision.

We are starting to see the shape of a new vision of the Constitution. The legal stage was set on September 25, 2001, when the Department of Justice advised the White House that "the President has the plenary constitutional power to take such military actions as he deems necessary and appropriate to respond to the terrorist attacks." In the key memorandum, the White House was told that if the president wants, military "force can be used both to retaliate for those attacks, and to prevent and deter future assaults on the Nation. Military actions need not be limited to those individuals, groups, or states that participated in the attacks on the World Trade Center and the Pentagon." Indeed, "the amount of military force to be used in response, or the method, timing, and nature of the response ... are for the President alone" to decide.

In 2002, the Department of Justice's Office of Legal Counsel indicated that as commander-in-chief of the Armed Forces, the president has the power to engage in coercive interrogation, even torture—and that Congress lacks the power to limit that authority. The executive branch has argued that the president has the authority to seize and to detain "enemy combatants," including American citizens captured on American soil, and to hold them for extended periods without access to a lawyer, judicial review, or a hearing (to determine whether they are, in fact, enemy combatants). Most recently, Attorney General Alberto Gonzales has claimed that, whatever Congress says, the president has the "inherent" power to monitor telephone calls and e-mail messages between Americans and individuals in foreign countries. Perhaps most important, the executive branch believes that, as a matter of constitutional law, the president has the authority to make war without congressional approval—though President Bush, to his credit, sought such approval for the wars in Afghanistan and Iraq.

The Supreme Court has rejected the Bush administration's claim of power to detain enemy combatants without hearings; we do not know how it will react to the rest of the administration's claims. But (and this point is often neglected) the legal views of the executive branch can be every bit as important as those of the Supreme Court. In the domain of foreign affairs, the central legal issues rarely come before the Court at all. The law is effectively settled within the executive branch, or by informal agreements between the president and Congress. In negotiating those agreements, the president has formidable advantages over the legislature. The executive branch's lawyers are talented, numerous, and exceptionally well organized. They can overwhelm Congress with their intensity and their expertise. Whether or not courts ultimately accept the legal positions of the Bush administration, most of those positions are now operating as the law.

It is important to emphasize that, as a technical matter, few if any of those positions are preposterous or unprecedented. Presidents always read the Constitution in a way that serves the presidency. In general, the Bush administration has built on the arguments of previous presidents, rather than re-writing the separation of powers from scratch. But taken as a whole, the claims of the Bush administration may be properly regarded as an effort to create a distinctive set of constitutional understandings for the post–September 11 era. The White House is attempting to create a kind of 9/11 Constitution. A defining feature of these understandings is a strong commitment to inherent presidential authority over national security, including a belief that in crucial domains the president can act without congressional permission, and indeed cannot be checked by congressional prohibitions.

THE MOST IMPORTANT THEORIST of the 9/11 Constitution is John Yoo, a law professor at the University of California at Berkeley. As a young professor in the 1990s, he argued for a strongly pro-executive view of the Constitution. On September 11, Yoo was serving as deputy assistant attorney general in the Office of Legal Counsel under President Bush. In that capacity, he produced a number of legal memoranda that laid much of the groundwork for the Bush administration's view of its legal authority. Having left the federal government, Yoo has now elaborated the theoretical foundations of his vision of the Constitution, one that grows out of his own writings in the

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1990s, and that stresses, above all, the inherent power of the president. The major topics in his new book are treaties and war, though he explores several other issues. Generally, Yoo's positions are the positions of the Bush administration.

Yoo argues that the president has the power not only to interpret treaties but also to terminate them at his will. More dramatically, he contends that the president can make war on his own. Yoo is aware that the Constitution gives Congress the power to "declare" war, but in his view this provision does not mean that congressional permission is necessary in order for the president to begin a war. A declaration merely "recognizes a state of affairs—clarifying the legal status of the nation's relationship with another country—rather than authorizing the creation of that state of affairs." The president is perfectly entitled to wage war as he sees fit. If Congress disapproves, its only possible recourse involves its power over appropriations: it can deny the funds for war-making.

In defending these conclusions, Yoo marshals a number of arguments involving the views of early theorists of international law, the British background, the debates at the Constitutional Convention in 1787, and the text of the Constitution itself. Every one of these sources, he thinks, strongly supports the president's power to make war when he chooses. Consider the views of Hugo Grotius and Emmerich Vattel, legal thinkers whose work was well known to the Founders. According to Yoo, neither Grotius nor Vattel believed that a declaration of war was necessary to begin hostilities. For Grotius, a declaration served as a mere "courtesy to the enemy and a definition of the status of their relations under international law." In Vattel's view, the major objectives of a declaration are to instruct and to guide "a State's own subjects, and in order to fix the date from which certain rights belonging to them in virtue of war are to begin, and in order to settle certain effects which the voluntary Law of Nations attributes to formal war." For Grotius and Vattel, in Yoo's telling, there was no obligation to declare war before fighting.

Yoo attributes the same position to Blackstone, according to whose view of the British Constitution "the monarch had no need to declare war before beginning hostilities against another nation." Yoo places a heavy emphasis on the English background. In his view, "the Framers would have looked to recent British political theory as much as to intellectual thought on the separation of powers." In England, the king had the sole power not only to control the armed forces but also to commit the nation to war. While Parliament controlled appropriations, the king had the power of initiative. In England, a formal declaration was not essential to the commencement of hostilities. Yoo believes that the Americans essentially borrowed the British framework.

To support this belief, Yoo investigates the drafting of the relevant provisions of the Constitution. He is aware that early drafts of the Constitution granted Congress the power "to make War," but he believes that the debates brought the document in line with British practice. The crucial discussion took place on August 17, 1787. Charles Pinckney objected that the power to make war should be placed in the Senate rather than in Congress, on the ground that the full legislature would be too slow. Pierce Butler responded that the power should be placed with the president, "who will have all the requisite qualifications, and will not make war but when the Nation will support it." James Madison and Elbridge Gerry then moved to change the word "make" to the word "declare," thus "leaving to the Executive the power to repel sudden attacks."

The motion carried, but only after a somewhat confusing discussion. Roger Sherman contended that the amendment was unnecessary, on the ground that the previous language "stood very well" and would already enable the president "to repel and not to commence war." Oliver Ellsworth remarked that "there is a material difference between the cases of making war, and making peace. It should be more easy to get out of war, than into it." George Mason said he "was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate because not so constructed as to be entitled to it"; and then he supported the use of the word "declare."

Yoo believes that the "executive power" necessarily and by its nature includes the authority to make war, and he concludes that these founding debates "reflected an intention to prohibit Congress from encroaching on the executive power to conduct war." Probing the ratification debates after the convention, Yoo finds that the anti-Federalists, opponents of the Constitution, were fearful of the national government and the president. But he is unable to find much evidence on the particular question of whether the president may make war without congressional approval.

To support his conclusion, Yoo finally places primary emphasis on the Constitution's text. After all, Congress is authorized to "declare" war, not to make war, and the word "declare" is defined, in Samuel Johnson's dictionary, as "to clear, to free from obscurity" and "to make known, to tell evidently and openly." By contrast, Article I, Section 10 says that states may not "engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay." Note the use of the word "engage," rather than "declare"—suggesting that the Framers meant to distinguish between the two terms. In any case, Yoo thinks that this provision shows that if the Framers wanted to say that the president has the authority only to respond to invasions, they knew how to do exactly that.

In Yoo's view, then, "the American way of war during the last decade has complied with the constitutional design." Congress did not declare war on Afghanistan in 2001 or on Iraq in 2003; it merely authorized the use of military force. In Kosovo, there was neither a declaration of war nor such an authorization. Yoo believes that this is entirely acceptable. If the president wants to act militarily, he need not ask Congress for permission. More generally, Yoo notes that the United States has been involved in more than two hundred armed conflicts in its history, and a declaration of war has preceded conflict on only five occasions (the War of 1812, the Mexican-American War, the Spanish-American War, World War I, World War II). Much of the time Congress has enacted an authorization for the use of military force, but without any declaration of war. In Yoo's account, the historical practice of presidential war-making without a declaration, and sometimes even without authorization, is fully consistent with the constitutional plan.

YOO'S MOST DRAMATIC ARGUments involve war, but he also has a great deal to say about treaties. Here, too, he makes a plea for broad presidential authority, sometimes operating at Congress's expense. One of his central motivations seems to be a fear that treaties can threaten national flexibility and even sovereignty. He wants to take steps to

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ensure that the United States and its president are not unduly constrained by the will of other nations.

Yoo's most modest claim is that the president has the authority to interpret ambiguous treaties. The upshot is that in the face of doubt, a treaty will mean what the president says it means. Yoo's more ambitious argument is that the president has the authority to terminate a treaty on his own, without Senate approval. It follows that President Bush acted lawfully in December 2001 when he withdrew the United States from the Anti-Ballistic Missile Treaty without seeking Senate approval. As a technical matter, the legal question here is tricky. Under the Constitution, the president needs the approval of the Senate to make a treaty, and it might well seem to follow that he needs Senate approval to break a treaty. Yoo's response operates partly by analogy: under the Constitution, the president needs the Senate's consent to the appointment of high-level officials, but he is permitted to remove those officials in his unfettered discretion. Yoo thinks that the power to terminate treaties should be similarly understood.

In an equally important argument, Yoo contends that treaties should be presumed not to be "self-executing"—that they do not amount to enforceable law within the United States unless Congress has said so by means of ordinary legislation. It follows that if the United States enters into a treaty, ordinary citizens cannot generally invoke it; as far as they are concerned, treaties operate as mere hopes or aspirations unless and until Congress has expressly legislated otherwise. As Yoo is aware, there is an obvious problem: the Constitution squarely makes treaties the "supreme law of the land," no less than ordinary law. It would seem to follow that treaties are fully enforceable. Still, the Supreme Court has long held that some treaties do not automatically become enforceable law. As the law now stands, the question depends on the Court's judgment about whether, in the particular case, the treaty was intended to be enforceable.

Yoo wishes to create a general presumption that treaties cannot be enforced. He contends that this presumption would help "contain the potential for unlimited lawmaking at a time when the line between domestic and international affairs is disappearing." With increasing international agreements, treaty-makers might end up being given "a legislative power with few limits." If treaties are presumed not to serve as ordinary law, the nation will be protected against that power.

II.

YOO HAS OFFERED AN INVENTIVE and provocative set of arguments about fundamental questions, and he presents his arguments with unmistakable determination and all the skill of a good lawyer. And that is the problem. Much of this cheerfully one-sided book reads like a lawyer's brief, trying to justify a particular set of pre-determined conclusions. Counterarguments are rarely given in their strongest form. Sometimes they are not given at all. On some issues, Yoo writes as if every imaginable source fully supported his conclusion—as if the analysis

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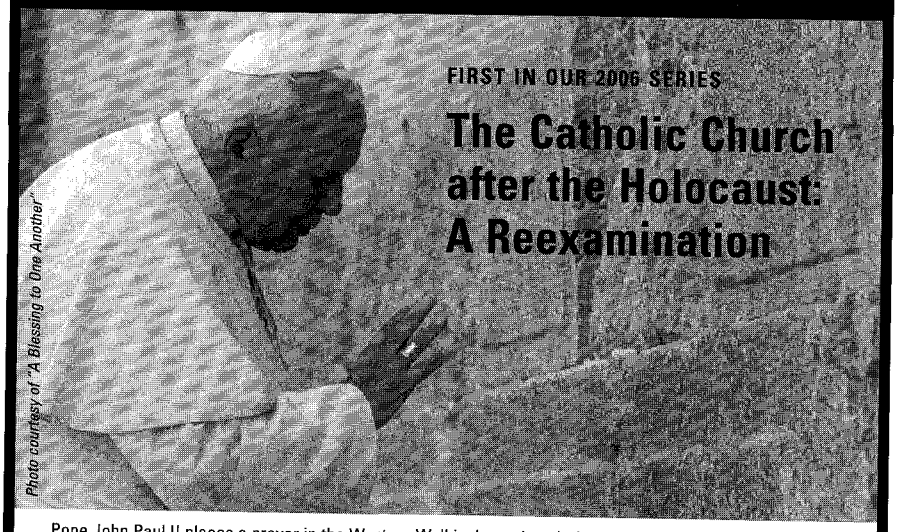

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were ridiculously simple, and as if those who disagree with him were not merely wrong in their conclusion, but wrong on every detail.

With respect to treaties, Yoo's arguments are certainly plausible. He is probably right to say that the president has the authority to interpret ambiguous treaties; when international agreements leave genuine gaps and uncertainty, it is legitimate for the president to understand them as he sees fit. Yet the question of whether the president can terminate treaties on his own is much more complicated. It is true that the president can remove Cabinet heads at will even though he needs Senate approval to appoint them, but this conclusion follows from the Constitution's structure: there is exceedingly good reason to allow the president to fire people who are supposed to implement his own policies. There is much less good reason to say that the president may end international agreements without the consent of the Senate. Yoo's discussion, illuminating though it is, does not do justice to the difficulty of the question.

The same is true for Yoo's argument in favor of a presumption against the enforceability of treaties. At first glance, the text of the Constitution cuts hard against his position, because it does make treaties the law of the land. For most of our history, there has been no presumption that treaties are not self-executing. The Supreme Court's presumption-free approach, requiring an analysis of whether the particular treaty was intended to be self-executing, may well be better than Yoo's alternative. But reasonable people can differ on the question. Where Yoo runs into real difficulty is on the most important question of all, involving the president's power to make war on his own.

BEFORE GETTING TO THE DETAILS, it is worth pausing over the implications of Yoo's argument. They are as follows. If the president wants to make war on North Korea or Iran, he is entitled to do exactly that. This is so whether or not he believes that the United States suffers from an imminent threat or indeed any threat at all. A purely humanitarian war, a political war, a war of aggression, an ideological war: apparently all are permissible. True, Congress can refuse to appropriate funds, but the power of initiative rests entirely with the president, giving the legislature the ability only to use its power of the purse to say: stop. That power is not meaningless—Congress's control over federal money played a role in ending the Vietnam War—but it is not likely to be exercised often. If the president has acted, a refusal to appropriate funds will mean the loss of a war on which the nation has already embarked. It is not an overstatement to say that Yoo's view would give most of the power over war and peace to the president alone.

And even this is only the tip of the iceberg. If the president believes that we are in a war, then we are in a war, because he believes it. As a result, he should enjoy greatly expanded authority to imprison and to interrogate those he believes to be associated with the enemy. President Bush has asserted the inherent power, as executive and commander-in-chief, to monitor phone calls and e-mail messages as part of foreign surveillance. Whether or not he is right (he may be—the issue is still unresolved), there is little question that in the middle of a war the president has heightened powers of surveillance, not excluding communications that involve American citizens. And there is more. In the middle of a war, the government almost certainly has greater power to regulate speech, to search homes, and to dispense with the procedural safeguards that protect both property and liberty.

IT IS CLEAR THAT A GREAT DEAL would follow if it were agreed that the president can make war on his own. So is Yoo right to make such a claim? Amazingly, he says close to nothing about the mountainous counterevidence. Let us consider only some of it.

James Madison wrote that the Constitution has, "with studied care, vested the question of war in the Legisl[ature]." Alexander Hamilton said that the legislature "can alone actually transfer the nation from a state of peace to a state of hostility." John Marshall declared that "the whole powers of war" are constitutionally "vested in Congress." Thomas Jefferson wrote that under the Constitution, "one effectual check to the Dog of war" was "transferring the power of letting him loose from the Executive to the Legislative body." In the Pennsylvania Ratifying Convention, James Wilson noted that under the Constitution, the decision whether to go to war "will not be in the power of a single man, or a single body of men." In South Carolina, Pierce Butler, an active participant in the original debates, explicitly said that the Constitution denied the power of "making war or peace" to the president, because it was "objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war whenever he wished to promote her destruction."

Speaking of monarchs: Yoo emphasizes Blackstone and British practice, arguing that the United States closely followed the British model, in which the executive—the king!—was able to make war on his own. But not so fast. There is specific evidence that the British model was rejected. Just three years after ratification Wilson wrote, with unambiguous disapproval, that "in England, the king has the sole prerogative of making war." Wilson contrasted the United States, where the power "of making war and peace" is in the legislature. Early presidents spoke in similar terms. Facing attacks from Indian tribes along the western frontier, George Washington, whose views on presidential power over war deserve special respect, observed: "The Constitution vests the power of declaring war with Congress; therefore no offensive expedition of importance can be undertaken until after they have deliberat-

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ed on the subject, and authorized such a measure." As president, both Thomas Jefferson and John Adams expressed similar views. In his influential *Commentaries*, written in 1826, James Kent wrote that "war cannot lawfully be commenced on the part of the United States, without an act of Congress."

With the exception only of James Wilson's, Yoo does not explore or even mention any of these statements—a puzzling omission, or worse. While Blackstone and English practice do seem to be on Yoo's side, Blackstone was of course speaking for the distinctive traditions of the British monarchy, and the practices of his country are not a reliable guide to the legal norms of the United States. With respect to Grotius and Vattel, Yoo's reading similarly raises many questions. Grotius wrote that "to exercise Hostility" without a declaration "is not done like a Christian, nor allowable by the Law of Nations." Grotius and Vattel are usually taken to support, not to undermine, the view that a declaration is a legal prerequisite for an offensive war.

SOME OF YOO'S BEST ARGUMENTS are textual, and here he deserves credit for raising legitimate doubts about the view that a declaration is a legal pre-condition for war. He is right to say that the Constitution does not state explicitly that Congress must authorize the use of force. He is right to wonder whether the power to "declare" war might leave the president free to "make" war. He is right to contrast the "declare war" provision with the provision forbidding the states to "engage in war." But Yoo's reading is not supported by the debate at the Constitutional Convention, which seems to reveal an effort to preserve the president's authority to "repel sudden attacks" while also making congressional approval a pre-condition for offensive war. Worse, Yoo's reading would require us to ignore far too many statements by prominent figures in the founding generation. There are not many issues on which James Madison, Thomas Jefferson, John Marshall, Alexander Hamilton, George Washington, James Wilson, John Adams, and Pierce Butler can be said to agree. Were all of them wrong? Yoo has given undue emphasis to the pre-revolutionary understandings, British and otherwise, of the function of a declaration, and too little attention to the more specific judgments of the founding period.

To say that the president cannot make offensive wars on his own is not to deny the president a great deal of power to protect the nation. Under the constitutional settlement, the president can certainly repel a sudden attack even without congressional permission, and that category is not self-defining. It is more than plausible to say that the president can act if he anticipates an imminent or near-imminent attack not only on our territory, but also on Americans and American property stationed in other nations. Nor does the president need congressional authorization to engage in military action that falls short of "war." Weapons can be fired and operations ordered without embroiling the nation in war. The executive branch has long contended, and plausibly so, that the president can use the military for military purposes without triggering the need for congressional authorization of war. (At one point Yoo comes close to adopting this position, writing that the Constitutional Convention "made clear that the president could not unilaterally take the nation into a total war, but also suggested that he might be able to engage the nation in hostilities short of that." Unfortunately, Yoo does not define "total war," and his general conclusion is that the president can make war on his own.)

By practice and tradition, moreover, an authorization to use military force has come to operate as the equivalent of a formal declaration. Practice and tradition are highly relevant to constitutional interpretation, and it is now clear that if the president receives such an authorization, there is no legal problem. Hence Yoo is right to say that an actual declaration of war is not required. But Yoo has not shown that the Constitution grants the president power to make war as he wishes; and if it denies him that power, then he also needs congressional approval for the large number of acts, including detention and purely domestic surveillance, that are generally authorized by war.

Fortunately, President Bush did receive such approval for the Afghanistan and Iraq wars, and congressional approval triggers broad presidential power. Yet the reliance on legislative grants of authority places many more constraints on the president's power than does Yoo's claim of "inherent" authority to protect the country. If congressional approval is necessary, what matters is what Congress has approved, not what the president wants to do.

YOO DEVOTES A GREAT DEAL of attention to the original understanding of the Constitution, but he says very little about a highly relevant fact of American history. On many occasions, federal courts have required explicit congressional support for presidential action, even when national security was at risk. A federal court said that Lincoln could not suspend habeas corpus, because only Congress could do so. Striking down the use of military tribunals to try citizens in Hawaii during World War II, the Supreme Court insisted that the national legislature would have to authorize such trials. Forbidding President Truman to seize the steel mills during the Korean War, the Supreme Court emphasized that no act of Congress authorized Truman to do what he did. Protecting free speech and the right to travel during the Cold War, the Court relied on the absence of legislative support, refusing to permit the president to act on his own.

These rulings have broad implications for Yoo's arguments, and for the war on terrorism in general. The Department of Justice has said that under the Constitution, the president may not only respond to the attacks of 9/11, he may also attack, even pre-emptively, any groups that in his view pose a "threat to the security of the United States and the lives of its people, whether at home or overseas." (Guess who wrote the memorandum.) But if our tradition is properly understood, this view gives the president a power that is not properly his: while he can repel sudden attacks, he cannot attack whenever he sees a "threat."

And consider the question of detention. The Bush administration has contended that under the Constitution, the president has the inherent power to detain enemy combatants, including American citizens—and to do so indefinitely and without a hearing. But the Supreme Court took a much more cautious course, ruling that Congress's authorization to use military force in Afghanistan included the power to detain those who fought against us, with a hearing and not indefinitely but for the duration of the particular conflict in which they were captured.

And consider the question of whether the president may monitor e-mail and telephone calls by American citizens to and from other countries, and do so without seeking a warrant. The Bush administration is arguing that the president has "inherent" authority to engage in foreign

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surveillance. Its argument is not implausible, but the more sensible approach is to ask whether Congress has authorized such surveillance. To the extent that the executive has been monitoring conversations reasonably believed to involve Al Qaeda, there is a decent argument that Congress did in fact permit surveillance, simply by authorizing the use of force against those responsible for the attacks of 9/11. But if the president has gone beyond Al Qaeda and its allies, he is on weaker ground, because he lacks congressional authorization, and because Congress has specified a particular procedure, in the Foreign Intelligence Surveillance Act (FISA), to govern wiretapping. (I put to one side some of the complexities in the interpretation of FISA.)

And consider, finally, the question of torture. As far as American law is concerned, the president is probably allowed to torture enemy combatants, if they are not Americans, so long as Congress has authorized him to do so. (International law raises separate questions.) But while working at the Department of Justice, Yoo helped to write a memorandum suggesting the possibility that the president can torture people even if Congress has said that he cannot torture them. Such a claim takes the president's authority well beyond its reasonable limits. The president's power as commander-in-chief of the Armed Forces does not mean that he can engage in barbaric practices against the instructions of the national legislature.

Yoo's arguments for broad presidential power rely heavily on the Constitution's Framers, but in the end he may well be influenced also by pragmatic considerations. His book focuses on history, but the contemporary world is clearly on his mind. The world is certainly very different from what it was in the eighteenth century; and it is different from what it was on September 10, 2001. Yoo emphasizes the point, observing that "we are living through a time of remarkable change in the international system, characterized by globalization, the disappearance of the Soviet Union, the emergence of international regulation, the appearance of terrorism and rogue states, and the proliferation of technology." He is certainly correct to notice these changes. Constitutional law cannot safely ignore them. But with respect to war, there is no reason for a 9/11 Constitution. The old one, read in the light of our traditions, will do just fine. ■

Alan Wolfe

The Reason for Everything

THE VICTORY OF REASON: HOW CHRISTIANITY LED TO FREEDOM, CAPITALISM, AND WESTERN SUCCESS
By Rodney Stark
(Random House, 304 pp., $25.95)

I.

"HAD THE FOLLOWERS of Jesus remained an obscure Jewish sect," concludes Rodney Stark in his new book, "most of you would not have learned to read and the rest of you would be reading from hand-copied scrolls." I had always known that Jesus Christ was a pretty important person, but I had not quite realized that were it not for him, there would be no one to buy Rodney Stark's books.

Jesus, Stark goes on, is responsible for more than liberating us from scrolls; to him goes the credit for all of Western civilization. If he had remained a Jew, we would live in a despotic world bereft of science and reason. Lots of women would die giving birth, and a significant percentage of children would not live past age five. Firmly ensconced in the dark ages, our societies would be horrendous places to inhabit, lacking "universities, banks, factories, eyeglasses, chimneys, and pianos."

Thought experiments have their place, but Stark's, it must immediately be said, is vile: even the most notorious anti-Semites give Jews credit for the banks. What respectable academic discipline would even consider Stark's ugly little scenario? It would not be called history. While there has been a flurry of interest in "counterfactuals" among historians—would the world have been better off, Niall Ferguson has asked, if Britain had not entered World War I?—most such efforts are little more than "parlor games," as E. H. Carr once characterized them. If they serve any serious purpose, it is to suggest the importance of caprice in human affairs. But Stark's counterfactual is triumphalist rather than tentative. We are not meant to reflect that any religion might have emerged out of the Roman Empire to become number one in the world rankings and that Christianity just happened to become the Duke among faiths. Stark proposes his hypothetical only to gloat over Christianity's inevitability. How foolish to think that the Jews—like the unfortunate Arians, Nestorians, Donatists, or Manichees—could have launched the modern world into being.

Of all kinds of historians, students of intellectual history would especially refrain from Stark's speculative fancy. Even after Jesus transferred away from the Jewish team, those obscure sectarians managed to produce Maimonides roughly a century before the Christians begat Aquinas. In this, they had something over the Arians after all. But because Stark wants to prove that "Christianity alone embraced reason and logic as the primary guide to religious truth," Maimonides, to whom Aquinas was more than willing to acknowledge his debt, makes no appearance in *The Victory of Reason*. Nor does the Jew Spinoza, born in the same year as John Locke, although Locke, a Christian, can be found three times in Stark's pages. Intellectual history would not leave out so many intellectuals.

Nor would social scientists allow their minds to wander where Stark's does. Max Weber did not write *The Protestant Ethic and the Absence of Capitalism*. The quintessential German mandarin, Weber laced nearly every conclusion he reached with qualifications. Even when searching for causality, he was sufficiently repelled by Marxism to avoid reducing all of history to one guiding mechanism. Filled with a Lutheran sense of responsibility, which Stark mistakenly describes as "academic anti-Catholicism," Weber cautioned social scientists to "recognize 'inconvenient' facts." Weber may not have had a sense of humor, but he did have an ironic disposition; he knew that human beings act rationally as well as irrationally, and he fully understood that those who try to do good in the world can end up doing bad.

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RODNEY STARK PRESENTS HIMself as the anti-Weber; *The Protestant Ethic and the Spirit of Capitalism*, in his view, is not only wrong, it is so obviously wrong that no one could be expected to take it seriously. About that, Stark is mistaken; books such as Weber's make their contribution to ideas not by being correct in every particular, but by establishing whole new lines of inquiry that survive for decades. But Stark is right to contrast himself to Weber more generally, for missing in Stark's book is Weber's care and caution, while present in abundance is the simplification, the mono-causality, that Weber abhorred. Consider one sample of Stark's writing:

> During the past century, Western intellectuals have been more than willing to trace European imperialism to Christian origins, but they have been entirely unwilling to recognize that Christianity made any contributions (other than intolerance) to the Western capacity to dominate. Rather, the West is said to have surged ahead precisely as it *overcame* religious barriers to progress, especially those impeding science. Nonsense. The success of the West, including the rise of science, rested entirely on religious foundations, and the people who brought it about were devout Christians.

It would be difficult to imagine four sentences more antithetical to the spirit of Weber than those. When Stark chooses an adjective, he chooses the strongest one he can find: "entirely" appears twice in this passage. When he makes a generalization, he ignores evidence to the contrary; scholars such as Perez Zagorin recognize the contribution Christianity has made to tolerance. When he rejects the conclusions of others, he does so root and branch by calling them "nonsense." When he describes the party he favors—the Christians—he cannot help but call them "devout," which he always means as a compliment. Finally, Stark owes more to Lenin than to Weber; agitprop, disdain, perfect certainty—all the Marxist arsenal is here, deployed not on behalf of class struggle but in the name of religious sectarianism.

Stark's proper academic discipline is what used to be called apologetics. (It still is taught at an occasional seminary or faith-based college.) He would return scholarship to an era in which the techniques of inquiry were marshaled to defend one faith against another—against all others. University Professor of the Social Sciences at Baylor University, Stark attributes the triumph of science to Christianity, but he does not tell us whether Jesus is also responsible for modern sociology. He should have pondered that question, for if an approach to the human sciences premised on disinterested inquiry and respect for the empirical realities of the real world represents one step in reason's victory, Stark himself has never been touched by the spirit of reason that he celebrates.

II.

LET US BEGIN AT THE BEGINning. Homer, Aristotle, Plato, Sophocles, Archimedes, Euclid, Galen, Cicero, Plautus: none of them was Christian. Yet the classical world produced two philosophers that would rank on any list of the world's greatest, a superb literature both comic and tragic, art that remains on display in every great museum, principles of geometry still taught today, the theory of the atomic composition of matter, the basic principles of medicine, the art of rhetoric, an empire or two, and engineering projects capable of inspiring awe. So the first challenge facing Stark's thesis is the need to explain away the accomplishments of classical civilization.

Greek science may seem impressive, Stark responds, but it was not really scientific; instead, the Greeks pioneered "lore, skills, wisdom, techniques, crafts, technologies, engineering, learning, or simply knowledge." Science, we are told, has two components: theory and empirical research. Any Greek thinker who engaged in one never engaged in the other: "either their work is entirely empirical or it does not qualify as science for lack of empiricism, being sets of abstract assertions that disregard or do not imply observable consequences." Stark concedes that Democritus was on track when he proposed the atomic theory of matter, but he never was able to "anticipate scientific atomic theory." As a result, his findings constituted sheer luck, or, as Stark calls it, "a linguistic coincidence." The atomic theory of matter is no more scientific then the speculations

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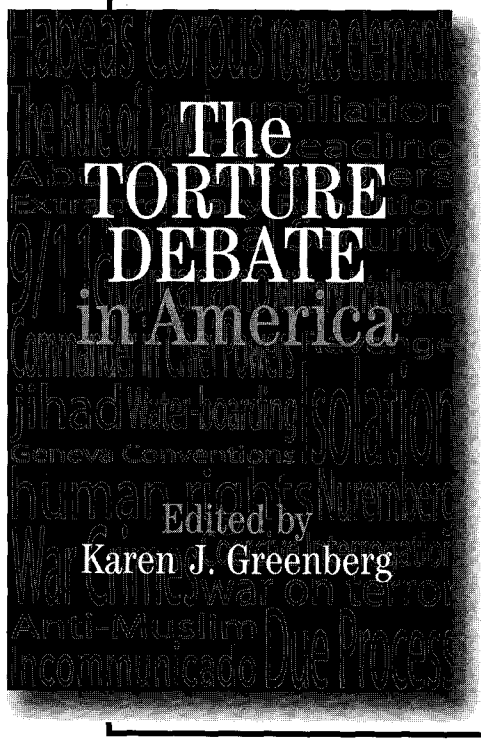

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of Empedocles, who believed that all matter was composed of earth, air, fire, and water.

There are many ways to evaluate the accomplishments of the ancient Greeks and Romans. One—the most obvious—is to compare them with other civilizations of their time. By that standard, their discoveries really do amount to a golden age of creativity. Stark forbids himself to take such an obvious path, unprepared as he is to accept that any non-Christian, under any conditions, could ever rank number one (Stark's way of thinking really is this vulgar) in anything. And so he proposes another method: modern science as we know it depended on the scientific revolution launched in the sixteenth century; classical Greece existed before the sixteenth century; therefore classical Greece's accomplishments were not scientific. This is like saying that the Greek god Mercury, however swift, was a failure because he holds no running records in the National Football League.

Not only is Stark's reasoning anachronistic, it knows nothing of how scientific discovery really works. Yes, there was a great scientific revolution in the sixteenth and seventeenth centuries. There may, for all we know, be another one in the twenty-second or twenty-third century. If that were to occur, many of the conclusions that contemporary scientists have reached will be overturned. But this does not make the theory of relativity or natural selection unscientific now. What we know now about the natural world is the best available knowledge to us. What the Greeks knew then about their world was the best available knowledge to them. Scientific revolutions do not obliterate what scientists used to believe so much as they build upon—and then radically surpass—earlier contributions. When Newton said that he stood on the shoulders of giants, Stark tells us, he could not really have believed such a thing, because it was not reflected in his work. I think we can reliably trust Newton's reflections on the debts he incurred more than Stark's efforts to put words into Newton's mouth.

Unlike Stark, the earliest Christians were impressed by the achievements of the Greeks. That is why they tried to suppress them. Paul did not know much about Plato and Aristotle, but he knew enough to worry that *logoi* would be less compatible with the Christian theology he was expounding than *muthos*. Paul, writes Charles Freeman in *The Closing of the Western Mind*, "may have been unsettled by his confrontation with the pagan philosophers in Athens. His response was to hit back with highly emotional rhetoric, the only weapon at hand. So for Paul, it is not only the Law that has been superseded by the coming of Christ, it is the concept of rational argument, the core of the Greek intellectual achievement itself." (Freeman's book, which highlights the many ways early Christians stood in the path of reason, puts Stark's conclusions and evidence to shame. Stark does not seem to know of its existence, though it appeared only a few years ago.) Paul gave Christians what they desperately needed to survive as an embattled community: faith. His greatness is not to be doubted; there is, Freeman continues, a depth and a power in his letters that is missing in the more placid writings of the Stoics and Epicureans. But one should never confuse Paul's passion with logic and empiricism.

It was only later, most strikingly in the writings of Augustine and Aquinas, that Christian theologians began to make their peace with reason. Stark can hardly restrain his enthusiasm for both these thinkers. A naïve believer, he remarks, may conclude from the story of the Wise Men that astrology is a valid science, but Augustine was too rigorous a thinker to accept such a conclusion. Using the power of reason, he deduced that astrology must be false: a God who gave human beings free will could not also have accepted that a human being's fate can be determined by the stars. Augustine's greatness, according to Stark, lies in his optimism; God's "unspeakable boon" was to endow human beings with a "rational nature."

With Aquinas, Stark continues, "the Christian commitment to progress through rationality reached its heights." Christian doctrines were not to be accepted merely because they had a scriptural basis; they had to be proved through logic. Like Augustine, Aquinas found a "profound humanism" in God's creatures; God did not reveal each and every truth through his word but left behind hints that allowed, indeed required, human beings, using the powers of reason, to interpret and understand his intentions.

Stark is certainly correct to emphasize the accomplishments of these remarkable figures. But to do so, he violates the methods he used to evaluate the contributions of the Greeks. Recall that Stark never judges Greek thinkers by comparing them with their contemporaries. This, however, is exactly what he does with Augustine and Aquinas; their accomplishments are lorded over the inability of theologians from other traditions to achieve the same level of brilliance. There were no theologians in Eastern religions at all, according to Stark, because all such religions, including Taoism, Buddhism, and Confucianism, lack the idea of an all-powerful God whose essence is nonetheless understandable. Jews and Muslims do share with Christians such an idea of God, he goes on, but these faiths are handicapped by their legalism—another hoary and unpleasant stereotype. They lack an idea of progress. (No idea of progress, in Judaism?) They do not pose questions of ultimate meaning. (Yes, he really says that.) They debate precedents rather than engage in doctrinal controversy. They are the religions that encourage scriptural literalism because their great prophets, Moses and Muhammad, unlike Jesus, left written texts behind. (Yes, he says that as well. Clearly he knows nothing whatsoever about the ancient and medieval opposition to literalism in Judaism.) Only Christians could advance the cause of reason, because only Christians believed in progress and possessed a theology encouraging human curiosity.

In a similar way, Stark, who claims that the Greeks could not advance the cause of modern science because they lived before the scientific revolution of the sixteenth century, claims that the work of Augustine and Aquinas, one of whom lived in the fourth century and the other in the thirteenth, "was the key to many intellectual undertakings, among them the rise of science." Newton, it would seem, stood on the shoulders of giants after all.

In Stark's book, players can never be identified without a scorecard; it is as if all great thinkers carry around a placard announcing their religion, and then they are all sorted into those who helped thought move forward and those who held it back. Nowhere in such a treatment is there room for the possibility that any particular thinker could find himself in two camps at once. But Augustine certainly did. In his *Confessions*, we see a thinker

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who understood that if men were created by God, the greater the men, the greater the God; but the tone of Augustine's later writings is much darker. This more orthodox thinker was not afraid to attribute increasing importance to the doctrine of original sin, thereby taking back much of the free will he had once attributed to human beings. Once a critic of Manichaeism, Augustine became more sharply dualistic. Formerly appreciative of the contributions of non-Christians, he became more insistent on the need to correct their false doctrines. An early optimist, he became increasingly pessimistic. Augustine remained fascinating to such twentieth-century thinkers as Arendt and Niebuhr because he wrestled with both the liberating and the oppressive aspects of his faith. Such a complicated figure cannot be placed into Stark's own Manichaean intellectual history.

Compared with Augustine, Aquinas is a model of consistency. Yet it makes as little sense to fence off Aquinas as merely a "Christian" thinker as it does to maintain that Augustine was as committed to reason late in his life as he was earlier. In the world in which Aquinas wrote, Greek, Jewish, Islamic, and Christian thought all borrowed from one another. "Accept the truth, whatever the source," Maimonides insisted, quoting the Talmud, and as David Novak has pointed out in *First Things*, this was a dictum to which Aquinas, who "treated with respect all great theologians and philosophers irrespective of religious differences with them," adhered. Searching for a way to bring to Christians a greater respect for the intellect than they had inherited from Paul, medieval scholars such as Aquinas turned back to the Greeks, and in so doing they paid their debts to the Muslim scholars who had preserved Europe's classical heritage. All theologies at the time took what they liked and abandoned what they did not.

One of the examples Stark proposes to justify his attribution of special status to Christian theology illustrates this theological bricolage. Was Jesus born to a virgin? The early church leaders were not sure; Paul, for one, thought that Jesus had brothers, which would make the case for Mary's virginity difficult to argue. Aquinas, Stark writes, was able to step in and settle the matter. Using his powers of reason and deduction, he concluded that the brothers of Jesus were not blood relations and that, as a result, Mary was a virgin after all. The whole controversy, as Stark tells the story, testifies to Christianity's intellectual superiority. Aquinas was able to do what no theologian from any other religious tradition could do, which was to use "persuasive reasoning" to alter church doctrine.

Although the Catholic Church would revere Mary and insist on her virginity, Mary's story in fact owed a great deal to non-Christians. For one thing, Mary's virgin birth has what Freeman calls a "shaky" scriptural basis, given that the Gospels mention her siblings and that one of them, John, does not mention her at all. There is a verse in Isaiah proclaiming, "Behold a virgin will conceive," but this verse, as Freeman continues, comes from the Greek version of the Old Testament, and uses the word *parthenos*, which could also mean young girl, rather than the Hebrew *almah*. When Christian thinkers in the fourth century developed their love for Mary, moreover, they borrowed extensively from paganism, especially the Greek goddesses Rhea and Tyche, as well as the Egyptian goddess Isis. Given this background, arguments on behalf of Mary's virginity testify as much to the needs of so many religions to contrast good and evil—in Christianity's case, Eve's original sin with Mary's later purity—as they do to powers of logic and reason.

As benefits a work of apologetics, Stark continuously relies on double standards and creates absurd classifications. Cicero, a non-Christian, believed in free will, while strict Calvinists committed to predestination were fatalists. Rather than admit any discrepancies in his airtight conclusions, Stark simply throws out the former's commitments as "an obscure philosophical matter" and takes the Christian commitment to free will as a given, even though it took Jacobus Arminius to bring the idea of free will to parts of Christian Europe under the spell of Calvinistic determinism. Augustine was an optimist about human nature at least some of the time, while John Chrysostom was a pessimist nearly all of the time, but for Stark they both played a role in advancing the Christian commitment to reason. (Needless to say, Stark makes no mention of the latter's virulent anti-Semitism—"the synagogue is not only a whorehouse and a theater; it is also a den of thieves and a haunt of wild animals"—because no mention is made of the entire history of Christian hatred toward the Jews, which was not exactly one of reason's achievements.)

Perhaps the most striking example of Stark's distortion of the historical record is his treatment of the Spanish Inquisition. This is, after all, the most famous example in history of a church that set itself up against reason, condemning along the way such luminaries of scientific method as Galileo. Stark loves to provoke: at one point he denies that Latin America ever became a Catholic continent, and at another he describes the whole notion of the Dark Ages—the ones we would be living in had Jesus remained among the Jews—as a "hoax" imposed on the world by eighteenth-century philosophers. But evidently the existence of the Spanish Inquisition is not a fact that he is willing to take on; he never refers to it by name, and in the one sentence that he devotes to the anti-intellectualism of the Counter-Reformation, he laments its legacy for "fostering misconceptions about religious opposition to science," as if it were all Galileo's fault that the Catholic Church got its awful reputation for putting him on trial.

And so it goes. Only Christians viewed slavery as sinful, Stark writes, although he acknowledges that a few Jewish thinkers did as well; the fact that Brazil and the American South were Christian and slave-owning is not important. (But posit that Brazil was not Catholic, and you solve half your problem.) Only Christians believed in human rights; all other faiths "minimize individualism and stress collective obligations," as if both the Catholic Church and Martin Luther were models of tolerance. Jews and Christians both shared the idea that history moves in a particular direction, yet "the Jewish idea of history stressed

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not progress but only procession, while the idea of progress is profoundly manifest in Christianity." This is to scholarship as Red Sox Nation is to fandom; I can fully understand why my fellow Bostonians would claim that David Ortiz is the greatest hitter in the world, but it staggers the imagination that a presumably serious scholar would make such a claim about one religion, and one religion only, in a world that has gotten at least a smidgeon of its ugly history of sectarian violence and faith-based hatred under control.

Reading Stark's book, it is important to remember that no major voice in American religion speaks in such triumphalist terms these days—not the Vatican under Benedict XVI, not the theologians at evangelical institutions such as Fuller Seminary, not the Muslims who have issued fatwas against Wahhabism, not even members of the Christian right who have persuaded themselves that they are Israel's greatest friends. Rodney Stark writes in an age of reason to advance the cause of prejudice. I am all for challenging conventional wisdom, but sometimes wisdom, even of the conventional sort, has its virtues. Christianity has brought some great things into the world, but not everything it brought has been great. Other faiths made their contributions to reason as well. Wise people know this; blowhards and bigots do not.

III.

Most of Rodney Stark's book deals not with theology, but with economic history. He sets out to prove that Christians, having invented reason, applied their intellectual powers to the world around them and created technology, capitalism, democracy, and modernity. Here is where Weber enters the discussion. He famously insisted that certain theological notions associated with the Protestant Reformation, such as the Calvinist idea of election, helped to fuel capitalist growth. The trouble this poses for Stark is not hard to see: Protestantism came along roughly fifteen hundred years after Christianity began. So if Weber is right, Stark is wrong. Christianity cannot explain capitalism if Christianity had existed for nearly three-quarters of its life on this earth without it.

All of which means that the inklings of capitalism growth must be sought in the early church—if not the one that existed before Constantine, which even Stark admits was radically otherworldly, then the one that grew up around and after him. This is why Stark denounces the idea of the Dark Ages as a hoax, as "an incredible lie that long disfigured our knowledge of history." The notorious non-believer Gibbon imposed this absurd idea on us, and it is time to rid ourselves of it. Never one to practice the Christian virtue of humility, Stark writes that "no one has ever provided an adequate summary of what really took place" between the fall of Rome and the invention of capitalism. And so, in forty or so pages, he will do the job.

The so-called Dark Ages, it turns out, were years of remarkable innovation and progress. For the first time in human history, machines allowed production to take place powered by something other than human effort. New methods of warfare developed, encouraged by "the Christian conviction that progress was a God-given obligation, entailed in the gift of reason." (Stark never explains how the unreasonable Muslims were able to defeat those reasonable Christians throughout the entire period he is describing, although Lepanto, which the Europeans won, does get a mention. Nor does he take seriously the link between Confucianism and the development of military technology in China.) Polyphonic music was invented. Gothic architecture and painting far surpassed (whatever that means) Greek art. Vernacular languages were used by such intellectual giants as Dante and Chaucer, putting to rest any ideas of "Dark Age illiteracy and ignorance." (Only much later does Stark get around to mentioning that the Catholic Church opposed translating the Bible into vernacular languages.)

Never mind that the idea of the illiterate medieval centuries is just another of Stark's many straw men. Christians could do all these wondrous things during the so-called Dark Ages because they made three great contributions to the modern world. First, there was the idea of equality. Stark reaches back to a third-century theologian to illustrate this commitment. An important component of justice, wrote L. Caecilius Firmanius Lactantius, "is equality.... But someone will say, 'Don't you have poor and rich, slave and masters in your community?' 'Aren't there distinctions between one member and another?' Not at all. This is precisely the reason that we address one another as 'Brother,' since we believe we are one another's equals." Second, there was the reality of property rights. True, there were oddball Franciscans with their absurd vows of poverty and their troublesome saints; but as the church became as preoccupied with securing economic and political order as it did with the salvation of souls, and as it began to realize that property rights in general could justify its considerable holdings in particular, less was heard about God wanting all human beings to hold property in common. (This also means that less was heard about equality, at least in the radical form expressed by L. Caecilius Firmanius Lactantius, but Stark is never troubled by such inconsistencies.) And third, Christians, in rendering different things to God and Caesar, separated church and state. "Silly textbooks," Stark writes, tell their naïve readers that Christians endorsed the divine rights of kings, but in reality they were closet regicides, willing to consider defiance of stately authority if it conflicted with God's commands. (Into the dustbin of history go Richelieu and Mazarin and... well, most of the history of Christianity's relationship with power.)

Armed with these Christian weapons of progress, Stark continues, capitalism flourished in full form in the great Italian city-states. Venice, Genoa, Milan—each gets its page or two. The discussion of Florence is most typically Starkian. "An enormous amount of snobbish nonsense has been written about Florence," he bristles. This time the nonsense was the work not of Max Weber but of Jakob Burckhardt. (Stark does not stand on the shoulders of giants, but he does love to throw stones at them.) The nonsense maintained that Florentine creativity opened a path out of the Dark Ages, a view that Stark cannot accept since there was nothing dark about the medieval centuries for the modern era to leave behind. And what about Savonarola? Where does his darkness fit into Stark's centuries of Christian light? Lavishing praise on the Medicis for their protection of property rights, Stark ignores the monk who believed that Jesus Christ was the true king of Florence—and who was condemned to death by church and state working in tandem. Savonarola joins Francis of Assisi, indeed nearly all of those who practiced Christianity in its ascetic versions,

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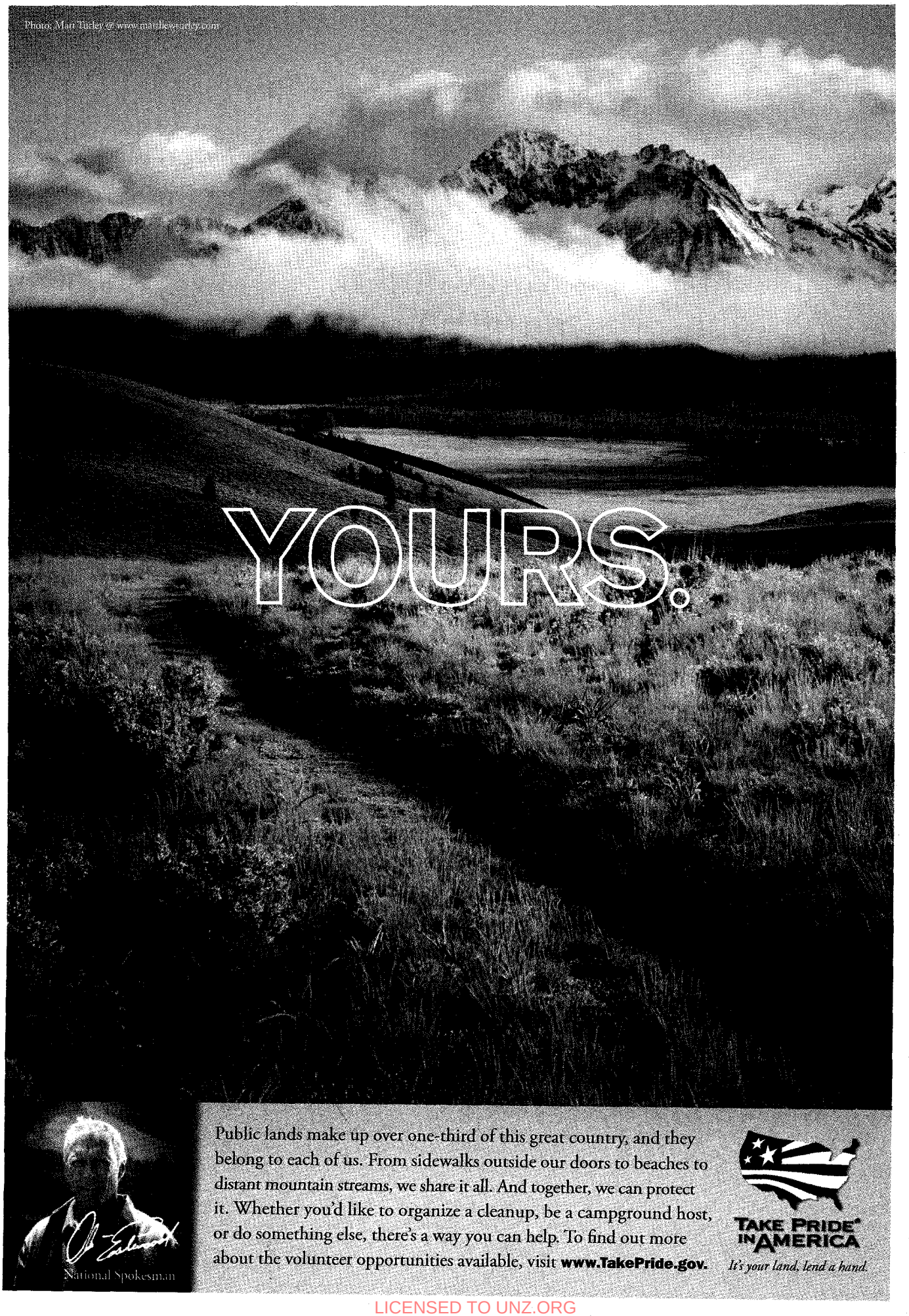

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in Stark's purgatory. Otherworldliness, a distinct feature of all religions, including Christianity, is shunted aside by Stark whenever it threatens his relentless insistence on his own religion's accomplishments of worldliness.

Impressed by the achievements of the Italian city-states, travelers from northern Europe then brought capitalism to Flanders and, from there, to the British Isles. But do not think that any of this had much to do with the Protestant Reformation! Antwerp, a capitalist enclave that Stark especially admires, "was a profoundly Catholic community" in its golden age. (How many of those Catholics were actually Jews who had fled from the Spanish Inquisition is not discussed, because, of course, the Inquisition itself is not discussed.) Ultimately, though, Stark is not interested in assigning significant status to any specific branch of Christianity; Amsterdam and London, he concedes, took over the lead from Antwerp when they were primarily Protestant. Catholics and Protestants fought furiously with each other in the sixteenth and seventeenth centuries over such matters as indulgences, biblical authority, the role of liturgy, baptism, and the requirements for salvation, but none of these differences matters much to Stark, whose case for Christianity is oddly irreligious. For him, Christianity is as unified within itself as it is distinct from every other religion. All Christians, whatever their sect, made the modern world; all non-Christians, whatever theirs, did not.

As capitalism began to flourish in Protestant northern Europe, it seemed to take a regressive step in Catholic Spain. And so Stark jumps in to deny that the backwardness of sixteenth- and seventeenth-century Spain had anything to do with its Catholicism; empire and absolutism were the causes. Still, Spain did have the foresight to colonize the New World, thereby giving the capitalist revolution a whole new place to take root. Here Stark radically compresses his story, hopping from the Old World to the New even more quickly than he hopped from the medieval world to the early modern one. Spaniards themselves, he writes, realizing how dangerous the voyage across the ocean could be, did not come in any great numbers, but the British did, and from this point on Stark hurries toward his obvious conclusion: the most religious country in the modern world, our own, turns out to be the most successful capitalist society in human history. Religious freedom and economic freedom go together, Stark harrumphs, and only Christianity is responsible for both.

It is only after Rodney Stark brings us into the New World that we realize what he has omitted from his history of the West: modernity itself. Love it or leave it, nearly everyone agrees that the industrial revolution, the Enlightenment, the French Revolution, the whole course of eighteenth- and nineteenth-century history, constituted a radical break with the past, introducing a world in which individualism reigned, and rights were demanded, and economies were expanded, and reason was unleashed. In Stark's book, however, there was no transition to modernity, because all the work of modernity had been done in the period between Augustine and Aquinas.

The implications of this point of view are as staggering as they are absurd. Diderot wasted his time on the Encyclopedia, because the Enlightenment had been anticipated by Christian theologians centuries earlier. Adam Smith need not have made a case for laissez-faire capitalism, because the Catholic Church had already done that for him. Kant and Mill were simply redundant. It is as if the most significant change in human history since the founding of Christianity had never taken place, because the founding of Christianity had rendered it unnecessary.

Stark claims that Christianity gave us the idea of free will (has he read *any* Judaism?), but he himself believes in a kind of predestination that would make John Calvin blush. Once the Christian theologians began to ponder theological mysteries, human history was set on a continuous course from which it never varied. Alone among religions, Stark argues, Christianity is oriented to the future. Not so; but what is so is that, alone among social scientists, Rodney Stark is trapped in the past. His history is so shoddy because, when you come right down to it, history does not matter to it. All that matters is Jesus.

IV.

The Victory of Reason is the worst book by a social scientist that I have ever read. Stark's methodology has nothing to do with history, or the logic of comparative analysis, or the rigorous testing of hypotheses. Instead he simply makes claims, the more outrageous the better, and dismisses all evidence that runs contrary to his claims as unimportant, and treats anyone with a point of view different from his own as stupid and contemptible, and reduces causation in human affairs to one thing and one thing only. How in the world, I kept asking myself as I read this book, could someone spend so much of his life trying to understand something as important as religion and come away so childish?

In a most inadvertent way, however, Stark does perform a public service with the publication of this dreadful book. For much of the postwar period, academic disciplines, including the social sciences, ignored religion, despite the fact that giants of social-scientific discovery such as Weber and Durkheim made the subject central to their understanding of the world. Turning back to those roots, scholars have begun to produce important work that helps us to understand why, if the United States is any indica-

Pain Thinks of the Body

While the Earth remains... Genesis 8:22

Pain thinks of the body without waiting without
physics genetics barrage & ration the sea's
ellipses & cell while the earth remains Pain thinks
of the body the ark without gather's division
without frequency's wave & dust without outline
without witness Pain thinks of the body the sea
& light unharnessed the waves unharnessed

Pain thinks of the body the ark without raiment
the hour without gather's division the umbral
slant uncovered the solar corona the ark the path
of totality Pain thinks of the hour the outline
& light unharnessed the waves unharnessed the body
without witness & dark & light without waiting
the earth without waiting without gather's division

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tion, increasing prosperity did not bring increasing secularization in its wake. It is difficult not to notice that there is a religious revival taking place in the United States; indeed, a religious revival seems to be taking place everywhere in the world, with the exception of western Europe. So it is no wonder that there is a revival taking place also in the academic study of religion.

But the religious revival in the academy faces a difficult dilemma. Since many of the scholars intent on paying more attention to religion are themselves religious, or at least religious enough to care about the subject, there is often advocacy in their work. Their role, as they understand it, is to argue against those who claim that people who believe in God are somehow ignorant, biased, and soon to be extinct. Such advocacy is not contrary to contemporary academic convention. To say that religion is an important but neglected field is no different from economists claiming that their methods can help understand non-economic activities such as love and leisure; in both cases, advocacy is on behalf of a field of study as opposed to the thing one is actually studying.

No, the real problem is that most believers do not believe in religion. They believe in Christianity or Judaism or Islam or Hinduism or Buddhism—in a specific faith. For them, being a Christian, a Muslim, or a Jew is what matters, and while they may feel that they have more in common with devout members of other faiths than with lapsed members of their own, they retain highly particular texts, creeds, rituals, liturgies, hymns, and homilies. They, too, are advocates, even if some of them, such as evangelicals, advocate their faith more persistently than others. But they do not explore their convictions in the way academics test hypotheses. There are no statistical tests that would lead a believer to conclude that everything he has believed must be thrown out because his beliefs no longer correspond with evidence.

Scholars who are religious and who want to call attention to the role of religion in the modern world may be motivated by their faith to do so, but as scholars they must act differently within the academy than they do in the pews. And as the revival of religion in academia has begun to take hold, this is what the great bulk of them are doing. Mark Noll, an evangelical Christian, wrote a book called *The Scandal of the Evangelical Mind* that spared little in its criticisms of the faith with which Noll so strongly identifies. Others, such as Grant Wacker writing on Pentecostalism or George Marsden on Jonathan Edwards, produced brilliant books filled with nuance and balance. In the work of all these scholars, general religious convictions are always present, but specific ones are difficult to find.

Not so with Rodney Stark. His book is not about religion, it is about Christianity. Had he written that faith in God would lead people to work hard, to be concerned about their credit rating, to grow uneasy with slavery, or to raise qualms about social injustice, he would have produced a perfectly respectable retort to the prominent idea that economic take-offs have mainly to do with economics. There certainly was a cultural dimension to the rise of capitalism, and religion plays an important role in shaping culture. Perhaps because the modern academy is so secular, the role of religion in promoting Western capitalism has been underestimated.

The difficulty is that there are many religions in the West, not just one. Christianity comes in two major forms. Muslims reached far into Europe during their golden age and left an important legacy. Jews have been central to capitalist expansion from the fifteenth century to the twenty-first. Advocating religion over secularism runs the risk of dismissing secularists; advocating one religion over all the others degrades every believer who does not believe what you do. Rodney Stark is himself not a believer, or so he claimed last year in an interview on a Catholic website called the *National Institute for the Renewal of the Priesthood*. But he has thoroughly absorbed the spirit of religion into his work—not contemporary religion, with its taste for pluralism and tolerance, but old-time religion, with its appetite for exclusiveness. If the religious revival in the academy begins to take the form of Stark's Christian triumphalism, it will lose its credibility and perhaps even be sent back to the sectarian seminaries out of which it emerged. That will in the long run be Rodney Stark's contribution to his field; and while I would miss a strong academic interest in religion, I would gladly say good-bye to scholars who would rather evangelize than investigate. ■

CORRESPONDENCE

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inequality, and provide holistic support for healthy families; and that poverty creates problems rather than simply reflects individual flaws. Conservatives, who wish to gut social programs and cut taxes, do nothing to place the reality of abortion—first, second, or third time around—in a larger social context. Rather, they resolutely reduce the discussion of abortion to a moral contest between innocent fetuses and immoral women. This doesn't help.

SUSAN PEARSON
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FRANKE-RUTA POINTS OUT THAT, to women's detriment, pro-choice liberals tend to ignore certain demographic facts about abortion in the United States. Another set of facts they ignore or deny is the mounting medical and psychological evidence that legal abortion harms women. Abortion has been linked to increased incidences of suicide, depression, substance abuse, breast cancer, ectopic pregnancies, and prematurity in later pregnancies, resulting in more problems for children carried to term. Despite particular studies that appear to me to be designed to cast doubt on some of these findings, the evidence continues to mount.

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HOME OFF-BASE

IN THE NOTEBOOK SECTION, THE editors write that President Moshe Katzav and General Shaul Mofaz come from "sephardi" origins (Notebook, December 12, 2005). Properly speaking, Iranian Jews do not trace their lineage back to Spain, as do some Jews in Arab countries. Rather, they point to a continuous lineage of Jews in Persia, now Iran, since the age following the destruction of the first Temple and the permission given by Cyrus for Jews to return (538 BCE). Although the two communities may overlap ideologically and even in certain customs, Katzav and Mofaz are not Sephardic Jews, but Persian Jews.

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CAMBRIDGE DIARIST

Keen for Gene

WHEN EUGENE MCCARTHY died a month ago, I rushed to compose what I wished to be a meditation on what the man had meant to me, to my generation, and to our history. But eulogies always suffer from the press of deadlines, and so I decided to get an opinion of what I wrote from a truth-teller I've known since the 1968 campaign. I read my piece to John Callahan, a professor of English at Lewis & Clark College and the author of books on Ralph Ellison and F. Scott Fitzgerald, the harshest of the truth-tellers. Callahan, who coordinated McCarthy's primary effort in the Portland, Oregon, area in 1968, ruled against it, saying, "No, you are using Gene to settle some of your own old scores." He was right. Old scores are a hobby, a hematological lift for us '68ers.

I FIRST MET GENE IN THE FALL OF 1967, when a group of antiwar activists went to Washington to meet the person who would be the beneficiary of the Dump Johnson movement that was to convene in Chicago a few weeks later. Truth be told, Gene was almost no one's first choice for that role. He had never cut his cloth to other people's designs, and his independent streak was more idiosyncratic than populist. He was available, but he did not flatter or pose. And the peace movement was frantic. It had tried to enlist virtually everyone in the Senate who had uttered a peep against the war to run against LBJ, and each had declined. There was the preposterous last-ditch effort to persuade Martin Luther King Jr. to run. But the savior whom the kingmakers really desired was Bobby Kennedy. He was unwilling even to test the waters, and no one knew whether he was really against the war or still for it.

GENE'S STAND WAS CHARACTERISTICALLY clear, and he was willing to stake his career on the toppling of the president. But the specter of Bobby haunted the campaign. We were working with folk whom you knew might defect the moment the assassinated president's brother decided that his time had come. (And, when his time came, defect they did.) In a strange way, the Kennedy candidacy energized the "Clean for Gene" effort. The rivalry was old and deep. At the Democratic convention in 1960, McCarthy stirred liberals with his impassioned appeal to nominate Adlai Stevenson for the third time—a last-ditch attempt, with Eleanor Roosevelt as its symbolic leader, to deny JFK the nod. Stevenson was a sure loser in the general election, but the liberals had sufficient reason not to be eager for John Kennedy to be president. There was the ugly shadow of his father and the stunning fact of his brother having served an intimate stint in Joe McCarthy's legislative hanging court—and, by the way, when had John Kennedy ever stuck out his neck for a true liberal cause?

IT IS A SHAME THAT THE 1968 CAMpaign is mostly remembered for the bitterness between the Kennedy and McCarthy camps. After all, Gene took down a sitting president. Lyndon Johnson announced that he would not seek reelection two days before McCarthy was sure to trounce him in the Wisconsin primary. Gene's popularity in the polls, even after Bobby's assassination on the night of the California primary, should be read as a confirmation that Americans were once ready to listen to quiet words and reasoned arguments. The diffidence of the poet-politician annoyed the political professionals, but it was intrinsic to his message. One should not seek the presidency in a frenzy, he seemed to be saying. When he would say that he was "willing to be president," one heard echoes of the Founding Fathers' own ideals of tempered ambition and their insistence upon the debt of politics to philosophical ideas. Gene was a Democrat who disciplined himself to republican virtue.

O, FOR SOMEONE LIKE HIM IN AMERIcan politics now! I have never encountered anyone in politics who so knew his own mind. In 1968, before the California contest, several members of the campaign tried frantically to make time to prepare for the debate against Kennedy. Gene was eager for the debate, but he was contemptuous of prep routines. "My God, I've been in politics for 25 years," he said. "I know what I believe, and I know how to say it. There will be no rehearsals, no practice drills." Almost unimaginable, no?

YOU MIGHT SAY THAT MCCARTHY LOST the California debate, since he lost the primary by less than five points. Kennedy won among black and Latino voters by very substantial margins, even though he threw up a scare during the debate that McCarthy was proposing to move 10,000 blacks into Orange County. In his recent book, *Eugene McCarthy: The Rise and Fall of Postwar American Liberalism*, Dominic Sandbrook contends that, although McCarthy had more fundamental plans to deal with race and poverty, Kennedy won the minority vote by touching the emotional chords of black protest. The irony is that, in so doing, he lost his chance for a wider electorate. As Ronald Steel has reminded us, there was no black-white coalition behind Kennedy in California at all. And this was prophecy. Here lay the future predicament of the Democratic Party. Its most successful candidates within the party would not win among the white lower-middle class, the educated middle class, and the independents outside of it.

A FEW MINUTES AFTER HIS VICTORY statement at the Ambassador Hotel in Los Angeles, Kennedy was assassinated by a Palestinian terrorist. Gene went off to a monastery to reflect. I never again heard an unkind word from him about Bobby. Three weeks before the Chicago convention, George McGovern announced his own candidacy, scavenging among the Kennedy delegates. He won a pathetic 146½ delegates. The shambles of the convention and the riots—which Tom Hayden designed to prove the fascist nature of the U.S. state, as, earlier that spring, he had told Michael Walzer and me he would—left McGovern as Kennedy's heir apparent for 1972. And the Democrats have not yet recovered from the most startling defeat of any major party candidate in our history. When you hear liberals and Democrats blame U.S. policy for Islamic terrorism, you are hearing the McGovernite temper. In societies as in individuals, the survival capabilities of self-loathing are vast. But Gene, a genuinely original man, never traveled in those territories. There was something pure about him, but he was not an innocent.

MARTIN PERETZ

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Out

Decadence
Bias
Cronyism

In

Principle
Honesty
Experience

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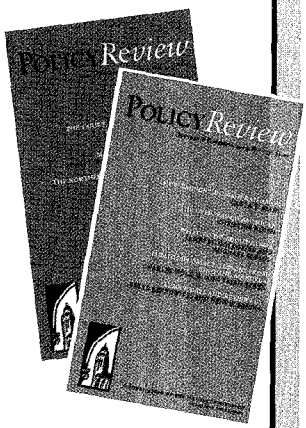

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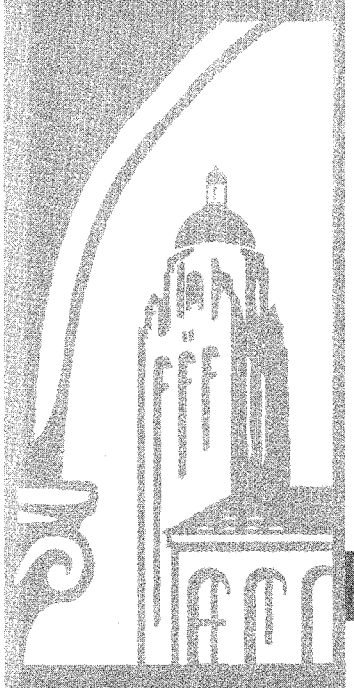

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In the new issue of *Policy Review*

What Is "Cruel and Unusual"?

Eighth Amendment jurisprudence is a train wreck

A potential key to rationalizing the Eighth Amendment lies in a jurisprudential return to the two words "cruel and unusual." For they in fact suggest an elegant two-part judicial examination: whether a challenged punishment is "cruel"—that is, needlessly and wantonly harsh and with some significant purpose of inflicting pain or misery—and, if so, whether it is by some reasonably measurable standard "unusual" or rare. Such a return would place the amendment on a more principled footing that, even in acknowledging the amendment's dynamic character, would both restrain judicial action and render it more predictable and less freewheeling.

—Benjamin Wittes

Making Democracy Stick

First, identify the obstacles to stability

An ambitious strategy of democracy promotion is poised to be a major pillar of U.S. foreign policy for many years after 9/11, just as cold war containment, trade liberalization, and development assistance were pillars of American policy in the decades after 1945. . . . [C]hampions of democratization emphasize obstacles to transitions to democracy rather than obstacles to the *stability* of democracies afterward. . . . But there are compelling reasons to believe that certain structural conditions threaten democracies in ways that cannot be overcome simply by a desire for self-rule. If America's democratization strategy is to fulfill its early promise, we have to identify these obstacles and decide how they can be overcome. Recent history provides a powerful lesson of what will happen if we don't.

—Gerard Alexander

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